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Federal Register

Friday
June 19, 1981

Highlights

- 32220 Grant Programs** HHS/Office of Child Support Enforcement announces availability of FY 1981 funds for Child Support Enforcement Research Demonstration Grants. (Part V of this issue)
- 32026 Child Care Food Program** USDA/FNS proposes to extend program eligibility to include Proprietary Title XX centers.
- 32023 Veterans** VA jointly with Defense Department issues rules on payment of benefits under the Veterans Educational Assistance Program.
- 32036** VA proposes to again accept service records as evidence of service and character of discharge for processing of claims.
- 32057 Emergency Air Transportation Requirements** CAB gives notice of intent to issue order authorizing priority for movement of persons, property and U.S. mail during strike.
- 32066 Natural Gas DOE/EIA** publishes alternative fuel price ceilings and incremental price threshold for high cost natural gas.
- 32021 Occupational Safety and Health** Labor/OSHA removes standards for occupational exposure to benzene and to cotton dust in cotton gins.

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There are no restrictions on the republication of material appearing in the **Federal Register**.

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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- 32030 Radio** FCC issues tentative decision and proposes rule on shared use of radio facilities in the private services.
- 32224 Distilled Spirits** Treasury/ATF authorizes use of 100 milliliter containers for bottling distilled spirits at distilled spirits plants. (Part VI of this issue)
- 32060 Imports** CITA establishes controls on certain cotton apparel products from the People's Republic of China.
- 32033 Federal Reserve System** FRS proposes to amend regulation T to provide a separate margin requirement for options on exempted debt securities.
- 32063 Waste Treatment and Disposal** DOE makes available site performance criteria for mined geologic disposal of nuclear waste.
- 32111 Postal Service** PS announces proposed telecommunications connections arrangements for U.S. Postal Service electronic computer originated mail service (E-COM).
- 32156 Minimum Wages** Labor/ESA publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)
- 32194, 32210 Outer Continental Shelf** Interior/BLM gives notice of oil and gas lease sale and leasing systems for No. A66. (Part III of this issue) (2 documents)
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- 32214** Part IV, Labor
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Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Witchweed Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the list of suppressive areas under the witchweed quarantine and regulations by adding areas in 9 counties and extending areas in 1 county in North Carolina and 1 county in South Carolina to the list of suppressive areas; by deleting areas in 12 counties in North Carolina and South Carolina from the list of suppressive areas; and by deleting 2 entire counties in North Carolina from the list of suppressive areas. These amendments are necessary as emergency measures in order to prevent the artificial spread of witchweed and to delete unnecessary restrictions on the movement of certain articles.

DATES: Effective date of this final rule June 19, 1981. Written comments concerning this final rule must be received on or before August 21, 1981.

ADDRESS: Written comments concerning this final rule should be submitted to E. E. Crooks, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, Room 634, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: E. E. Crooks, Acting Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal

Building, Room 634, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of approximately \$300; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possibility that witchweed could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest. Also, with respect to restrictions concerning the movement of regulated articles for which there is no longer a basis for the imposition thereof, a situation exists requiring immediate action to delete such unnecessary restrictions.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of

this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Certification under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small businesses and should not have a significant economic impact on any small organizations or small governmental jurisdictions. This action affects the interstate movement of regulated articles from specified areas in North Carolina and South Carolina. Based on information compiled by the Department, it has been determined that there are approximately 290,000 small entities that move regulated articles interstate from such States and many hundreds of thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that only approximately 25 entities move regulated articles interstate from the specified areas affected by this action. Further, the overall economic impact from this action is estimated to be only about \$300.

Written Comments

Interested persons are invited to submit written comments concerning the final rule. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register**. All written comments made pursuant to this document; will be made available for public inspection at the Federal Building, Room 634, 6505 Belcrest Road, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

Background

Witchweed is a parasitic plant which causes the degeneration of Corn, Sorghum, and other grassy crops. It has been found in the United States only in parts of North Carolina and South Carolina. The Witchweed Quarantine and Regulations (7 CFR 301.80 through 301.80-10) quarantine the States of

North Carolina and South Carolina and restrict the interstate movement of certain witchweed hosts from regulated areas in the quarantined States for the purpose of preventing the artificial spread of witchweed.

Regulated areas are divided into suppressive areas and generally infested areas. Suppressive areas are regulated areas where eradication of witchweed is undertaken as an objective. Generally infested areas are regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from generally infested areas and suppressive areas in order to prevent the artificial movement of witchweed to noninfested areas and to prevent the reinfestation of suppressive areas where the witchweed no longer occurs.

Surveys conducted by the United States Department of Agriculture and State agencies of North Carolina and South Carolina establish that witchweed has spread or is likely to spread to certain areas beyond the outer perimeter of areas previously designated as suppressive areas. These additional areas are areas where eradication of witchweed is undertaken as an objective. Therefore, as an emergency measure, it is necessary to add to the list of suppressive areas portions of Columbus, Craven, Duplin, Lenoir, Moore, Onslow, Pender, Pitt, and Wayne Counties in North Carolina; and a portion of Marlboro County in South Carolina; and to extend the suppressive area in Wayne County in North Carolina. These actions are necessary in order to prevent the spread of witchweed and to facilitate its ultimate eradication.

The surveys also establish that witchweed no longer occurs in portions of Brunswick, Columbus, Duplin, Harnett, Lenoir, Moore, Pender, Richmond, Scotland, and Wayne Counties in North Carolina and Florence and Horry Counties in South Carolina; and the entire counties of Jones and Wilson in North Carolina. There is no basis to continue listing Jones and Wilson Counties in North Carolina and portions of the above listed counties in North Carolina and South Carolina as regulated areas for the purpose of preventing the artificial spread of witchweed. Therefore, as an emergency measure, parts of all of such counties are deleted from the list of suppressive areas in order to delete unnecessary restrictions on the movement of witchweed regulated articles.

Accordingly, the list of regulated areas in the States of North Carolina

and South Carolina is amended as set forth below:

1. In § 301.80-2a relating to the State of North Carolina, the regulated areas are redescribed to read as follows:

§ 301.80-2a Regulated areas; suppressive and generally infested areas.

North Carolina

(1) *Generally infested area.*

Robeson County. The entire county.

(2) *Suppressive areas.*

Beaufort County. The Jefferson, Russell M., farm located on the southwest side of State Secondary Road 1609 and 0.6 mile southeast of the junction of said road and State Highway 32.

The Osborne, H. R., farm located on both sides of State Secondary Road 1609 and 0.5 mile southeast of the junction of said road and State Highway 32.

Bladen County. The entire county.

Brunswick County. The Bryant, Ottice, farm No. 1 located at the end of a farm road 1.0 mile west of State Secondary Road 1342, 2.5 miles northwest of said State Secondary Road and its junction with State Highway 211.

The Bryant, Ottice, farm No. 2 located on both sides of State Secondary Road 1342, 2.3 miles northwest of said road and its junction with State Highway 211.

The Hewett, Jr., R. B., farm located at the end of a farm road on the northeast side of State Secondary Road 1132, 0.4 mile northeast of said road and its intersection with N.C. Highway 130.

The Meares, Hobson, farm located on both sides of State Secondary Road 1165 and 2.0 miles south of the junction of said road with U.S. Highway 17.

The Register, W. C., farm located on the south side of State Secondary Road 1147 and 0.3 mile east of the junction of said road and State Secondary Road 1143.

The Sanders, Albert C., farm located on the east side of State Secondary Road 1143 at the end of a dirt road located 0.5 mile south of the junction of State Secondary Roads 1143 and 1147.

The Smith, Wallace, farm located on the west side of State Secondary Road 1151 and 0.4 mile south of its junction of State Secondary Road 1147.

The Todd, Lester, farm located on the east side of State Secondary Road 1143 at the end of a dirt road located 0.5 mile south of the junction of State Secondary Roads 1143 and 1147.

Columbus County. That part of the county lying north and west of a line beginning at a point where State Highway 211 intersects the Bladen-Columbus County line, thence south along said Highway 211 to its intersection with State Secondary Road 1740, thence southwest and south along said State Secondary Road 1740 to its junction with U.S. Highways 74 and 76, thence west along said highways to its intersection with White March Swamp, thence south along said swamp to its junction with Cypress Creek, thence southwest along said creek to its intersection with State Highway 130, thence northwest along said highway to its junction

with State Secondary Road 1166, thence southwest along said road to its junction with State Secondary Road 1157, thence southwest along said road to its junction with U.S. Highway 701, thence south and west along said highway to its intersection with State Secondary Road 1314, thence west along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with the North Carolina-South Carolina State line.

The Brown, Annie, farm located on the west side of State Highway 11 and 0.6 mile south of the junction of said road with State Highway 87.

The Jacobs, Thomas, farm located 0.2 mile north of State Secondary Road 1847 and 1 mile northwest of the junction of said Road 1847 with State Secondary Road 1740.

The Long, J. M., farm located on the southwest side of State Secondary Road 1113 and 0.4 mile northwest of its junction with State Secondary Road 1108.

The McLamb, H. M., farm located on the southwest side of State Secondary Road 1113 and 0.5 mile northwest of its junction with State Secondary Road 1108.

The Owen, J. A., farm located on the southwest side of State Highway 87 and 0.3 mile southeast of the intersection of said Highway 87 with the Bladen-Columbus County line.

The Shaw, Charles H., farm located 0.1 mile north of State Secondary Road 1847 and 0.9 mile northeast of the junction of said Road 1847 with State Secondary Road 1908.

The Shipman, C. S., farm located on the east side of State Secondary Road 1909 and 0.6 mile southeast of the junction of said Road 1909 with State Secondary Road 1908.

The Spivey, D. M., farm located in the northeast corner of the intersection of U.S. Highway 701 and Gum Swamp.

The Suggs, Lacy, farm located at the end of a dirt road 0.5 mile southeast of the junction of said road with State Secondary Road 1108, said junction being 0.7 mile northeast of the junction of State Secondary Road 1108 and State Secondary Road 1118.

The Young, Grace, farm located on the west side of N.C. State Secondary Road 1914 and 0.2 mile south of the junction of said road with N.C. State Secondary Road 1904.

Craven County. The Chapman, Idel M., farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said Road 1459 and 0.3 mile off west side of State Secondary Road 1459.

The Goodman, W. D., farm located on both sides of State Secondary Road 1263 and 2.6 miles east of its southern junction with State Secondary Road 1262.

The Hawkins, Annie A., farm located on both sides of State Secondary Road 1263 and 1 mile east of the junction of said Road 1263 with State Secondary Road 1262.

The Hawkins, Mattie, farm located on the west side of State Secondary Road 1263 and 1.2 miles east and north of its southern junction with State Secondary Road 1262.

The Hodges, Mary K., farm located on both sides of State Secondary Road 1263 and 2.2 miles east of its southern junction with State Secondary Road 1262.

The Jones, Vann, farm located on the west side of State Secondary Road 1459 and 0.1 mile north of junction of State Secondary Road 1463 with said road and 0.4 mile off of west side of State Secondary Road 1459.

The Nelson Estate, Joseph, located on both sides of State Secondary Road 1450 and located 0.1 mile northeast of intersection of State Secondary Road 1454.

The Nobles, Jr., Jack, farm located on both sides of State Secondary Road 1262 and located 0.7 mile south of the junction of State Secondary Road 1258 and State Secondary Road 1262.

The Register, Keith, farm located 0.3 mile west of the junction of State Secondary Road 1251 with Highway 55 and on the north side of Highway 55.

The West, Gladys W., farm located on both sides of State Secondary Road 1263 and 1.4 miles east of its southern junction with State Secondary Road 1262.

The White, Raymond E., farm located on both sides of State Secondary Road 1263 and 0.2 mile east of its northern junction with State Secondary Road 1262.

Cumberland County. All of Cumberland County excluding the Fort Bragg Military Reservation, the area within the corporate limits of the city of Fayetteville, and the unincorporated communities of East Fayetteville and Bonnie Doone.

Duplin County. That area bounded by a line beginning at a point where State Secondary Road 1337 intersects the Duplin-Sampson County line, thence northeast along said road to its intersection with State Secondary Road 1301, thence southeast along said road to its intersection with State Highway 50, thence northwest along said highway to its junction with State Secondary Road 1355, thence northeast along said road to its junction with State Secondary Road 1332, thence northeast along said road to its junction with State Secondary Road 1304, thence southeast along said road to its intersection with Bear Swamp, thence east along said swamp to its junction with Goshen Swamp, thence southeast along said swamp to its intersection with State Secondary Road 1004, thence southeast along said road to its intersection with Nahunga Creek, thence southwest along said creek to its intersection with State Secondary Road 1301, thence northwest along said road to its junction with State Secondary Road 1346, thence southwest along said road to its junction with State Secondary Road 1385, thence west along said road to its junction with State Highway 50, thence southeast along said highway to its junction with State Secondary Road 1900, thence southeast along said road to its junction with State Secondary Road 1003, thence east along said road to its junction with State Highway 11, thence south along said highway to its junction with State Secondary Road 1922, thence southwest along said road to its junction with State Secondary Road 1909, thence south along said road to its junction with State Secondary Road 1912, thence west along said road to its intersection with the Magnolia city limits, thence south, west, and north along said city limits to its intersection with State Secondary Road 1003, thence southwest along said road to its junction with State Secondary Road

1101, thence southeast along said road to its intersection with State Secondary Road 1102, thence southwest along said road to its junction with State Secondary Road 1126, thence west along said road to its intersection with State Secondary Road 1100, thence southeast along said road to its intersection with State Secondary Road 1102, thence south along said road to its junction with State Secondary Road 1129, thence southwest along said road to its intersection with State Secondary Road 1128, thence northwest along said road to its intersection with Duplin-Sampson County, thence north along said county line to the point of beginning.

The Alphin, Clara, farm located in the north junction of State Secondary Road 1004 and State Secondary Road 1505.

The Beard, Mary Lou, farm located on both sides of State Secondary Road 1961 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Bostic, Jake, farm located on both sides of State Secondary Road 1961 and 0.5 mile west of the intersection of said road and the Northeast Cape Fear River.

The Bradshaw, Gene A., farm located on the south side of State Secondary Road 1321 and 0.8 mile west of the junction of said road with State Secondary Road 1302.

The Bradshaw, Milton J., farm located at the northwest end of State Secondary Road 1980.

The Britt, Ben, farm located on the north side of State Secondary Road 1306 and 0.1 mile east of its junction with State Secondary Road 1361.

The Britt, Cornia, farm located on both sides of State Secondary Road 1545 and 0.5 mile east of the junction of said road and State Secondary Road 1564.

The Brock, Jack, farm located on both sides of State Secondary Road 1700 and 0.8 mile west of the intersection of said road and the Northeast Cape Fear River.

The Brown, George, farm located on the west side of State Secondary Road 1004 and 0.8 mile north of its junction with State Secondary Road 1504.

The Chambers, D. F., farm located on the south side of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The Davis, Jimmie, farm located on the east side of State Highway 111 and the south side of State Secondary Road 1546.

The English, James Earl, farm located on the north side of State Secondary Road 1980 and 0.3 mile southwest of the junction of said road and State Secondary Road 1979.

The Georgia Pacific Corporation, farm located on the west side of the Seaboard Coast Line Railroad and 0.1 mile north of its intersection with State Secondary Road 1301.

The Goodson, Emma, farm located on the south side of State Secondary Road 1501 and 0.3 mile west of the junction of said road and State Secondary Road 1505.

The Grady, E. C., farm located on both sides of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Grady, S. Leland, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of the intersection of said road and the Northeast Cape Fear River.

The Green, Willie, farm located on both sides of State Secondary Road 1971, and 0.8 mile southwest of the junction of said road and State Highway 50.

The Hollingsworth, Denver, farm located 0.1 mile east of State Secondary Road 1831 and 1.0 mile south of its junction with State Secondary Road 1827.

The Horne, Harry, farm located on the south side of State Secondary Road 1961 and 0.8 mile west of the intersection of said road and State Secondary Road 1962.

The Howard, Henry, farm located on the north side of State Secondary Road 1700 and 0.8 mile west of the intersection of said road and the Northeast Cape Fear River.

The Hussey Estate, M. W., farm located on the east side of State Secondary Road 1560 and 0.2 mile south of the junction of said road and State Secondary Road 1537.

The Ivey, Foy, No. 2, farm located on both sides of State Secondary Road 1004 and 0.1 mile south of its junction with State Secondary Road 1561.

The Jernigan, Cornelia, farm located on the west side of State Secondary Road 1360 and 0.4 mile south of its junction with State Secondary Road 1004.

The Johnson, Eldora, farm located on both sides of State Secondary Road 1123 and 1.2 miles west of the junction of said road and State Secondary Road 1103.

The Jones, Billy, farm located on both sides of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Jones, H. A., farm located on the south side of State Secondary Road 1700 and 0.7 mile west of the intersection of said road and the Northeast Cape Fear River.

The Jones, H. A., No. 2, farm located on both sides of State Secondary Road 1700 and 0.6 mile west of its intersection with the Northeast Cape Fear River.

The Jones, Nora, farm located on the west side of State Secondary Road 1004 and 0.3 mile south of its junction with State Secondary Road 1365.

The Kalmar, J. N., farm located on the south side of State Highway 403 and 0.5 mile west of its junction with State Secondary Road 1304.

The Kennedy, Sidney J., farm located on the east side of State Secondary Road 1718 and 0.2 mile south of the junction of said road and State Highway 41.

The King, W. R., farm located on the east side of State Secondary Road 1302 and 0.1 mile south of the junction of said road and State Secondary Road 1308.

The Kornegay, Byrus, farm located on the east side of State Highway 403 and 0.1 mile north of its junction with State Secondary Road 1369.

The Kornegay, Cecil, farm located on the northwest side of State Secondary Road 1306 and 1 mile southwest of its intersection with State Secondary Road 1500.

The Kornegay Estate, Issac, located on the southwest side of State Secondary Road 1306 and 0.7 mile northwest of the junction of said road and State Secondary Road 1305.

The Lane, David, farm located 0.1 mile east of State Secondary Road 1369 and 0.1 mile south of its junction with State Highway 403.

The Lewis, Merle S., farm located on the east side of State Secondary Road 1004 and both sides of State Secondary Road 1508.

The Marshburn, Freeman J., farm located on both sides of State Secondary Road 1128 and 0.7 mile southeast of the intersection of said road and State Secondary Road 1129.

The McCullen, Larry, farm located on the northeast side of State highway 24 and 0.2 mile northwest of the junction of said highway and State Secondary Road 1904.

The McGowan, Woodell, farm located on the south side of State Secondary Road 1961 and 1.1 miles west of the intersection of said road and State Secondary Road 1962.

The Mercer, Cathleen, farm located on the south side of State Secondary Road 1703 and 1.1 miles east of the intersection of said road and State Secondary Road 1704.

The Miller, O'Berry, farm located on the north side of State Secondary Road 1700, and 0.1 mile east of its junction with State Highway 11.

The Outlaw, Emma, farm located on the south side of State Secondary Road 1509 and 0.5 mile southwest of the junction of said road and State Secondary Road 1510.

The Parrott, Jr., Mrs. Frank, farm located on the south side of State Secondary Road 1703 and 0.3 mile east of the intersection of said road and State Secondary Road 1704.

The Pate, Robert Lee, farm located on both sides of State Secondary Road 1357 and 0.9 mile southwest of the junction of said road and State Secondary Road 1306.

The Precythe, Harold, farm located on the east side of U.S. Highway 117 and 0.1 mile south of the junction of said highway and State Secondary Road 1354.

The Rivenbark, George W., farm located on the northwest side of State Secondary Road 1131 and 0.4 mile southwest of the junction of said road and State Secondary Road 1128.

The Rouse, Beatrice S., farm located on both sides of State Secondary Road 1980 and at the west end of said road.

The Rouse, Rouke, farm located on the north side of State Secondary Road 1537 and the west side of State Secondary Road 1538.

The Shepard, J. T., farm located on both sides of State Secondary Road 1732 and 0.2 mile north of the junction of said road and State Secondary Road 1703.

The Smith, Sallie P., farm located on the northeast side of State Highway 111 and 0.8 mile southeast of the Duplin-Wayne County line.

The Stokes, Fred, farm located on the south side of State Secondary Road 1980 and 2.4 miles west of the junction of said road and State Secondary Road 1979.

The Stokes, William C., farm located at the southwest end of State Secondary Road 1980.

The Summerlin, Lannie, farm located on both sides of State Secondary Road 1359 and 0.3 mile southwest of its junction with State Secondary Road 1306.

The Sumner, India, farm located on the southwest side of State Highway 111 and 1.2 miles south of the intersection of said highway and State Secondary Road 1700.

The Sutton, Effie O., farm located on the northeast side of State Secondary Road 1004 and 0.7 mile northwest of its junction with State Secondary Road 1504.

The Turner, Lumas, farm located on the south side of State Secondary Road 1703 and

0.6 mile west of the junction of said road and State Secondary Road 1732.

The Walker, C. P., Estate, farm located on the west side of State Secondary Road 1368 and 1.2 miles north of its junction with State Secondary Road 1364.

The Whaley, Bennie, farm located on the southeast side of State Secondary Road 1961 and 0.3 mile northeast of the junction of said road and State Secondary Road 1800.

The Whitman, Herman E., farm located on the south side of State Secondary Road 1300 and 0.1 mile west of the junction of said road and State Road 1381.

The Whitman, Herman E., farm located on the north side of State Secondary Road 1300 and 0.8 mile east of the intersection of said road and State Secondary Road 1301.

The Williams, Jasper, farm located on the east side of State Secondary Road 1323 and 0.2 mile south of its junction with State Highway 403.

The Williams, McArthur, farm located on the south side of State Secondary Road 1961 and 1 mile west of the intersection of said road and State Secondary Road 1962.

The Wilson, Mammie, farm located on the east side of State Highway 111 and 1.0 mile south of the intersection of said highway and State Secondary Road 1700.

Green County. That area bounded by a line beginning at a point where State Highway 102 intersects State Highway 123 and extending south along State Highway 123 to its intersection with Contentnea Creek, thence northwest along said creek to its junction with Panther Swamp, thence northerly along said Panther Swamp to its intersection with U.S. Highway 13-258, thence easterly along said highway to the point of beginning.

The Carmon, James E., farm located on the east side of State Secondary Road 1004 and 0.4 mile south of its junction with North Carolina Highway 102.

The Dixon, John, farm located on the east side of State Secondary Road 1004 at the junction on State Secondary Road 1405.

The Dixon, Sudie, farm located on the west side of State Secondary Road 1004 and 0.2 mile south of its junction of State Secondary Road 1405.

The Murphrey, Edward, farm located on the east side of State Secondary Road 1004 and 0.3 mile south of its junction with State Highway 102.

The Whitaker, J. H., farm located on the east side of State Secondary Road 1004 and 0.6 mile south of its junction with State Highway 102.

Harnett County. That area bounded by a line beginning at a point on the Harnett-Lee County line due west of the head of Barbecue Swamp and extending east to the head of said swamp, thence south and east along Barbecue Swamp to its intersection on State Secondary Road 1201, thence south and southeast along said road to its junction with State Highway 27, thence southeast along said highway to its junction with State Highway 24, thence southeast along said highway to its junction with State Secondary Road 1111, thence southwest along said road to its intersection with Harnett-Moore County line, thence northwest along the Harnett-Moore County line to its junction with the

Moore-Harnett-Lee County line, thence northeast along the Harnett-Lee County line to the point of beginning.

That area bounded by a line beginning at a point where the Harnett-Cumberland County line and McLeod Creek intersect and extending northwest along said creek to its intersection with State Secondary Road 1117, thence northeast, northwest and north along said road to its intersection with Anderson Creek, thence southeast along said creek to its intersection with the State Highway 210, thence northeast along said highway to its junction with State Secondary Road 2030, thence southeast along said road to its junction with State Secondary Road 2031, thence southwest along said road to its intersection with the Harnett-Cumberland County line, thence southwest and west along said county line to the point of beginning.

The Cook, A. L., farm located on the east side of State Secondary Road 1201 and 1.5 miles southeast of the junction of said road with State Secondary Road 1203.

The Gilchrist, Leonard W., farm located on the southeast side of State Secondary Road 1111, 0.4 mile north of the junction of said road with State Secondary Road 1110.

The Johnson, Sr., Jonah C., farm located at the junction of State Secondary Roads 1553 and 1555. The farm lies in the northeast portion of this junction.

The McAden, J. L., farm located on southeast side of State Highway 27 and 0.8 mile southwest of the intersection of said highway with State Highway 87.

The Proctor, T. G., farm located on the northeast side of State Highway 27 at that point where said highway forms an overpass over State Highway 87.

The Thomas, Floyd E., farm located on the northeast side of State Secondary Road 1146 and 0.2 mile north of the junction of said road with State Secondary Road 1117.

The Womack, E. H., farm located on east side of State Highway 27, and 1.0 mile north of the junction of said highway with State Highway 24.

Hoke County. The entire county excluding Fort Bragg Military Reservation.

Johnston County. The Blackman, Dewey, farm located on the south side of State Secondary Road 1146, and 0.4 mile east of the junction of said road with State Secondary Road 1145.

The Braswell, J. G., farm located on the east side of State Secondary Road 2519 and 0.4 mile north of the junction of State Secondary Roads 2519 and 2520.

The Everett, Betty, farm located on the west side of State Secondary Road 2541 and 0.5 mile south of the junction of said road with State Secondary Road 1007.

The Everett, Betty, farm located on a farm road and 0.6 mile west of its junction with State Secondary Road 2541, said junction being 1.9 miles south of the junction of State Secondary Roads 2541 and 1007.

The Holt, Dorothy C., farm located on the west side of State secondary Road 2542 and 0.1 mile south of its junction with State Secondary Road 1007.

The Hudson, Price, Estate farm located on a farm road and 0.4 mile north of its junction

with State Secondary Road 1008, said junction being 0.8 mile northeast of the intersection of State Secondary Road 1008 with U.S. Highway 701.

The Johnson, Wade, farm located on both sides of State Secondary Road 1144 and 0.2 mile west of the junction of said road with State Secondary Road 1138.

The Martin, Emmitt, farm located on the east side of State Secondary Road 2519 and 0.3 mile north of the junction of State Secondary Roads 2519 and 2520.

The Martin, John L., farm located on the west side of State Secondary Road 1201 and 0.3 mile north of the junction of said road with State Secondary Road 1200.

The Massengill, R. T., farm located on the south side of State Secondary Road 1145 and 0.2 mile west of its junction with State Secondary Road 1144.

The Summerlin, Everett L., farm located on the north side of State Secondary Road 1008, and 0.6 mile west of the junction of said road with State Secondary Road 1199.

The Tart, Allen, farm located on the southwest corner of the junction of State Highway 96 and State Secondary Road 1120.

Lee County. The McGilvary, Aquilla, farm located north of State Secondary Road 1188 and 0.6 mile east of the junction of said road with State Secondary Road 1001.

The Barwick, Charles H. and Evelyn Sutton, farm located on the north side of State Secondary Road 1324 and 0.1 mile east of its junction with State Secondary Road 1308.

Lenoir County. The Braxton, Clyde, Estate located on both sides of State Secondary Road 1802 and 0.9 mile northeast of the junction of State Secondary Road 1802 and State Highway 11.

The Brown, Nannie H., farm located in the southwest junction of State Secondary Roads 1152 and 1309.

The Carey, Jack, farm located on both sides of State Secondary Road 1906 and 1.0 mile east of its junction with U.S. Highway 285.

The Carr, Lillian, farm located on the southwest side of State Secondary Road 1524 and 0.1 mile south of its junction with State Secondary Road 1526.

The Carter, Ephrom, farm located on the south side of State Secondary Road 1116 and 1.5 miles east of its junction with State Highway 11.

The Faulkner, Isabelle, farm located on both sides of State Secondary Road 1809 and 0.5 mile east of its junction with State Secondary Road 1720.

The Foss, Reginald D., farm located on the north side of State Secondary Road 1316 and 0.6 mile northwest of its junction with State Secondary Road 1318.

The Hamilton, C. W., farm located on the southeast side of State Secondary Road 1802 and 1.2 miles northeast of its junction with State Highway 11.

The Herring, Ben D., No. 1, farm located on both sides of State Secondary Road 1330 and 0.2 mile west of the junction of State Secondary Roads 1330 and 1331.

The Herring, Ben D., No. 2, farm located on the west side of State Secondary Road 1310 and 0.3 mile south of its junction with State Secondary Road 1311.

The Herring, Frances F., farm located on the west side of State Secondary Road 1310

and 0.6 mile south of its junction with State Secondary Road 1311.

The Herring, Jack A., farm located on both sides of State Secondary Road 1310 and 0.4 mile south of its junction with State Secondary Road 1311.

The Herring, Lewis R., No. 1, farm located on the south side of State Secondary Road 1324 and 0.3 mile west of its junction with State Secondary Road 1333.

The Howard, Clarence, farm located on the south side of State Secondary Road 1105 and 0.1 mile east of its intersection with State Secondary Road 1118.

The Jarman, F. R., farm located on the southeast side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

The Jones, Edward S., farm located on the west side of U.S. Highway 258 and 0.3 mile north of its junction with State Secondary Road 1116.

The Joyner Farms, Inc., farm located on both sides of State Secondary Road 1324 and 0.5 mile east of its junction with State Secondary Road 1335.

The Moye, Lenton G., farm located on the west side of State Secondary Road 1335 and 0.3 mile north of its junction with State Secondary Road 1324.

The Parrott Farms, Inc., farm located on the northwest side of State Secondary Road 1157 and 0.7 mile northwest of its intersection with State Highway 55.

The Rouse, Forrest, farm located on the northeast side of State Secondary Road 1143 and 2.9 miles northwest of its intersection with State Secondary Road 1154.

The Rouse, Jim W., farm located on the northeast side of State Secondary Road 1143 and 2.8 miles northwest of its intersection with State Secondary Road 1154.

The Singleton, Ruby S., farm located on east side of State Secondary Road 1802 and 0.6 mile south of its junction with State Secondary Road 1801.

The Sutton, Curtis, Estate located on the west side of State Secondary Road 1324 and 0.5 mile north of its junction with State Secondary Road 1309.

The Sutton, Harvey, farm located on the west side of State Secondary Road 1331 and 0.2 mile south of its junction with State Secondary Road 1330.

The Sutton, Iris, farm located on the east side of State Secondary Road 1152 and 0.6 mile south of its junction with State Secondary Road 1324.

The Sutton, John W., farm located in the southwest junction of State Secondary Road 1333 and State Secondary Road 1330.

The Sutton, M. L., farm located on the southeast side of State Secondary Road 1311 and 0.8 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Nancy, farm located on the south side of State Secondary Road 1330 and 0.5 mile east of its junction with State Secondary Road 1331.

The Sutton, Nathan, farm located on the southeast side of State Secondary Road 1311 and 0.6 mile southwest of its junction with State Secondary Road 1318.

The Sutton, Prentice, farm located on the south side of State Secondary Road 1503 and 0.3 mile southeast of its intersection with State Secondary Road 1327.

The Sutton, Robert H., farm located on the south side of State Secondary Road 1324 and 0.2 mile east of its junction with State Secondary Road 1327.

The Sutton, Woodrow W., farm located on the north side of State Secondary Road 1331 and 0.5 mile west of its junction with State Secondary Road 1333.

The Taylor, Heber, farm located on the north side of State Secondary Road 1161 and 0.3 mile east of its junction with State Highway 55.

The Walters, H. F., farm located on both sides of State Secondary Road 1335 and 0.4 mile north of its junction with State Secondary Road 1324.

The Waters, Thomas, Estate located on both sides of State Secondary Road 1318 and 0.3 mile north of its junction with State Secondary Road 1317.

The Wood, C. W., farm located on the northwest side of State Secondary Road 1311 and 0.7 mile southwest of its junction with State Secondary Road 1318.

Moore County. The Burwell, Sam, farm located on the south side of State Secondary Road 2023 and 0.4 mile southwest of the junction of said road and State Secondary Road 1853.

The Marks, E. M., farm located on the south side of State Secondary Road 2019 and 2.5 miles east of the junction of said road and State Secondary Road 2018.

Onslow County. The Cox, Robert B., farm located on the southeast of State Secondary Road 1224, and 0.7 mile from the junction of said road and State Secondary Road 1222.

The Hancock, Sally, farm located on a dirt road 0.2 mile northeast of junction of State Secondary Road 1206 and State Secondary Road 1001.

The Henderson, Charlie, farm located on the east side of State Secondary Road 1528, and 0.2 mile north of the junction of said road with State Secondary Road 1518.

The Lanier, Larry, farm located on the north side of State Secondary Road 1223, 0.5 mile from the junction of said road and State Secondary Road 1222. Said junction being located 1.2 miles north of junction of State Secondary Roads 1222 and 1001.

The Lewis, L. Bryan, farm located on the southeast side of State Secondary Road 1224, and 0.9 mile from the junction of said road and State Secondary Road 1222.

The Marshburn, James B., farm located on the southeast side of State Secondary Road 1224, and 0.8 mile from the junction of said road and State Secondary Road 1222.

The McAllister, Henry, farm located on both sides of State Secondary Road 1316 and 1 mile southwest of said road and its junction with State Secondary Road 1308.

Pender County. That area bounded by a line beginning at a point where State Secondary Road 1104 intersects the Pender-Bladen County line, and extending northeast along said county line to its junction with Black River, thence southeast along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1103, thence southeast along said road to its junction with State Secondary Road 1104.

thence southwest and northwest along said road to the point of beginning.

That area bounded by a line beginning at a point where Moores Creek intersects State Highway 53, and extending east along said highway to its intersection with State Secondary Road 1121, thence south along said road to its intersection with State Secondary Road 1125, thence west along said road to its intersection with Moores Creek, thence northeast along said creek to the point of beginning.

That area bounded by a line beginning at a point where State Secondary Road 1517, junctions with U.S. Highway 117, and extending northwest along said highway to its intersection with Walker Swamp, thence northeast along said swamp to its junction with Pike Creek, thence southeast along said creek to its junction with the Northeast Cape Fear River, thence south along said river to its intersection with State Highway 210, thence southwest along said highway to its junction with State Secondary Road 1518, thence southeast along said road to its junction with State Secondary Road 1517, thence westerly along said road to the point of beginning.

The Alderman, Bessie, farm located on the north side of State Highway 53 and 0.1 mile west of its intersection with State Secondary Road 1121.

The Anderson, Julian W., farm located on both sides of State Secondary Road 1108 and 0.9 mile northwest of the junction of said road and State Secondary Road 1107.

The Armstrong, Willie, farm located 0.5 mile west of State Secondary Road 1408 and 0.3 mile south of the junction of said road with State Highway 210.

The Batson, Arthur, farm located on the east side of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Colvin, Alex, farm located on the northwest side of State Secondary Road 1120 and 1.4 miles southwest of the intersection of said road and U.S. Highway 421.

The Corbett, W. M., farm located on both sides of State Secondary Road 1201 at its junction with State Secondary Road 1200.

The Dees, Betty B., farm located 0.6 mile east of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Fensel, F. P., farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Kea, Leo, farm located 0.5 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The Kea, Nora, farm located 0.1 mile west of the end of State Secondary Road 1108.

The Lanier, Admah, farm located on the southeast side of State Secondary Road 1411 and 1.4 miles east of its intersection with U.S. Highway 117.

The Marshall, Crawford, farm located on the north side of State Secondary Road 1103 and 0.6 mile west of its junction with State Secondary Road 1133.

The Marshall, Milvin, farm located on the north side of State Secondary Road 1103 and 0.6 mile east of the southern junction of said road and State Secondary Road 1104.

The McCallister, Mary K., farm located 0.2 mile east of State Secondary Road 1105 and 1 mile southwest of the junction of said road and State Secondary Road 1104.

The McLendon, Evander, farm located 0.4 mile north of State Secondary Road 1411 and 0.3 mile east of its intersection with Pike Creek.

The Murphy, Henry, farm located 0.1 mile west of State Secondary Road 1121 and 0.4 mile north of its intersection with State Highway 53.

The Stringfield Estate, John, located on the southwest side of State Secondary Road 1517 and 1.4 miles east of the junction of said road and U.S. Highway 117.

The Terrell, Nancy, farm located on a field road 2.8 miles east of U.S. Highway 117 and 0.3 mile south of its intersection with State Secondary Road 1411.

The Thomas, Kenneth, farm located on the west side of State Secondary Road 1125 and 0.2 mile north of its junction with State Secondary Road 1121.

The Ward, Mary Alice, farm located on a field road 0.9 mile east of State Secondary Road 1411 and 1.5 miles east of its intersection with U.S. Highway 117.

The Williams, John H., and Heirs, farm located on the east side of State Secondary Road 1520 and 2.7 miles north of the junction of said road and State Highway 210.

Pitt County. That area bounded by a line beginning at a point where State Secondary Road 1919 intersects the Pitt-Craven County Line, thence southwest along said county line to its intersection with State Highway 118, thence westward along said highway to its intersection with State Secondary Road 1753, thence northward along said road to its junction with State Secondary Road 1919, thence eastward to the point of beginning.

The Gardner, Charlie D., farm located on both sides of State Secondary Road 1910 at junction of said road and State Highway 118.

The Garris, Bruce E., farm located in the south junction of State Highway 118 and State Secondary Road 1916.

The Hodges, M. B., farm located on the east side of State Secondary Road 1907 and 1.1 miles north of State Highway 118.

Richmond County. The Autry, J. H., farm located on the north side of State Secondary Road 1803 and 0.7 mile east of Osborne.

The Beck, Lacy A., farm located on both sides of State Secondary Road 1807 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1608.

The Bethea, Queen, farm located on the northeast side of State Secondary Road 1803 and 0.4 mile southeast of the intersection of said road and State Secondary Road 1825.

The Davis, Climon, farm located on the northwest side of N.C. Highway 38 and 0.5 mile northeast of the intersection of said road and State Secondary Road 1803.

The Dial, Dormic, farm located on the north side of State Secondary Road 1607 and 0.8 mile west of the intersection of said road and State Secondary Road 1608.

The Dumas, Reba, farm located on the northeast side of State Secondary Road 1803 and 0.3 mile northwest of said intersection of N.C. Highway 38.

The Elizhbugar, Charity, farm located on the northeast side of State Secondary Road

1003 and 2 miles northwest of its junction with State Secondary Road 1475.

The Godfrey, J. R., farm located on the northwest side of State Secondary Road 1318 and 0.2 mile north of its junction with State Secondary Road 1310.

The Hailey, Annie, farm located on the north side of State Secondary Road 1475 and 1.7 miles west of its junction with U.S. Highway 1.

The Hailey, Maria, farm located on the southwest side of State Secondary Road 1440 and 0.3 mile southeast of its junction with State Secondary Road 1433.

The Hamlet Gin & Supply Co., farm located on both sides of State Secondary Road 1803 and on the east side of the intersection of said road and State Secondary Road 1825.

The Ingram, Rome, farm located on the southwest side of State Secondary Road 1003 and 1.8 miles northwest of its junction with State Secondary Road 1475.

The McLaurin, Meta, farm located on the southwest side of State Secondary Road 1803 and 0.3 mile southeast of the intersection of said road and State Secondary Road 1825.

The McNeill, Dalton, farm located on the southwest side of State Secondary Road 1003 and 1.9 miles northwest of its junction with State Secondary Road 1475.

The Poe, William, farm located 0.6 mile on unnumbered road off State Road 1475, 0.2 mile southeast of its junction with State Road 1486.

The Quick, Julius, farm located on the northeast side of State Secondary Road 1992 and 0.6 mile northeast of its junction with State Secondary Road 1994.

The Rush, James, farm located on the southeast side of State Secondary Road 1442 and 0.7 mile northeast of its junction with State Secondary Road 1489.

The Sorenzen, Gladys, farm located on the southwest side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and N.C. Highway 38.

The Steele, Thomas, farm located on the northwest side of State Road 1442 and 0.4 mile southwest of its junction with State Road 1489.

The Terry, Ruth, farm located on both sides of State Secondary Road 1442 and 0.2 mile northeast of its junction with State Secondary Road 1477.

The Terry, W. C., farm located on the west side of State Secondary Road 1424 at its junction with State Secondary Road 1507 at Roberdel, N.C.

The Thomas, Walter, farm located on both sides of U.S. Highway 220 and 0.4 mile northeast of its junction with State Secondary Road 1433.

The Wall, Ben, farm located on the northeast side of the State Secondary Road 1440 and 0.4 mile southeast of its junction with State Secondary Road 1433.

The Waters, Will, farm located on both sides of State Secondary Road 1623 and 0.4 mile southwest of its junction with State Secondary Road 1607.

The Watkins, Aaron, farm located on the southeast side of State Road 1442 and 0.8 mile northeast of its junction with State Road 1489.

The Watkins, John Q., farm located on the southeast side of State Secondary Road 1476 and 0.3 mile northeast of its junction with State Secondary Road 1442.

The Watkins, Mosby, farm located on both sides of State Secondary Road 1476 and 0.2 mile northeast of its junction with State Secondary Road 1442.

The York, Will, farm located on the northeast side of State Secondary Road 1803 and 0.4 mile northwest of the intersection of said road and N.C. Highway 38.

Sampson County. The entire county.

Scotland County. That area bounded by a line beginning at a point where U.S. Highway 15-401 intersects the North Carolina-South Carolina State line and extending northeast along said highway to its junction with U.S. Highway 15A-401A, thence north along said highway to its junction with U.S. Highway 501, thence north along said highway to its intersection with U.S. Highway 15-401, thence southwest along said highway to its intersection with State Secondary Road 1300, thence northwest along said road to its junction with State Secondary Road 1116, thence northwest along said road to its junction with State Secondary Road 1324, thence north along said road to its junction with State Secondary Road 1345, thence northwest along said road to its intersection with State Secondary Road 1341, thence northeast along said road to its junction with State Secondary Road 1328, thence north along said road to its intersection with the southern boundary of the Sandhills Game Management Area, thence east along said boundary to its intersection with U.S. Highway 15-501, thence north along said highway to its intersection with the Scotland-Hoke County line, thence southeast along said county line to the Scotland-Robeson County line, thence south and southwest along said county line to the North Carolina-South Carolina State line, thence northwest along said State line to the point of beginning, excluding the area within the corporate limits of the city of Laurinburg and the town of East Laurinburg.

The Butler, Luther, farm located on the south side of State Secondary Road 1154 and 0.2 mile east of the junction of said road with State Secondary Road 1155.

The Gibson, H. P., Estate farm located on the north side of State Highway 79 and 0.4 mile west of its junction of State Secondary Road 1118.

McCoy, R. F., farm located on the east side of State Secondary Road 1346 and 0.4 mile north of its junction with State Secondary Road 1343.

The Morgan, J. D., farm located on the east side of State Secondary Road 1346 and 0.5 mile north of the junction of said road with State Secondary Road 1343.

The Morgan, J. D., farm located on both sides of State Secondary Road 1345 and 0.1 mile northwest of its junction with State Secondary Road 1342.

The Newton, Peter F., farm located at the intersection of State Secondary Roads 1334, 1336, and 1345.

The Sharpe, Preston, farm located on the south side of U.S. Highway 74 and 0.2 mile west of the junction of said highway with State Secondary Road 1153.

The Steele, J. D., farm located on both sides of State Secondary Road 1351 and 0.9 mile northwest of the junction of said road with State Secondary Road 1346.

Wayne County. That area bounded by a line beginning at a point where the State Highway 111 and State Secondary Road 1745 intersect, thence west and southwest along State Secondary Road 1745 to its intersection with State Secondary Road 1932, thence northerly along said road to its intersection with State Secondary Road 1744, thence west along said road to its intersection with State Secondary Road 1937, thence northerly on said road to its junction with State Secondary Road 1932, thence north on said road to its intersection with State Secondary Road 1120, thence easterly along said road to its junction with State Secondary Road 1915, thence east along a line projected from a point at the junction of State Secondary Roads 1120 and 1915 to the junction of said line with a point located at the junction of Sleepy Creek and Neuse River, thence east along said river to its intersection with State Highway 111, thence south along said highway to the point of beginning.

The Baucom, Howard, farm located on the east side of State Secondary Road 1932 and 0.2 mile north of its junction with State Secondary Road 1927.

The Bowden, B. J., farm located on the west side of State Secondary Road 1931 and 0.2 mile south of intersection of said road and State Secondary Road 1120.

The Brock, Odell, farm located on the north side of State Secondary Road 1210 and 0.3 mile east of its junction with State Secondary Road 1209.

The Carraway, Ethel, farm located on the east side of State Secondary Road 1915 and 0.1 mile north of the junction of said road and State Secondary Road 1120.

The Coor, O. S., farm located on both sides of State Secondary Road 1730 and 0.6 mile east of its junction with State Highway 111.

The Crawford, William P., farm located on the south side of State Secondary Road 1330 and 0.9 mile west of State Highway 581.

The Dawson, L. A., farm located on the west side of State Highway 111 and 0.5 mile south of the junction of said highway and State Secondary Road 1730.

The Flowers, Willie, farm located on the north side of U.S. Highway 13 and 0.4 mile east of its junction with State Secondary Road 1207.

The Grady, Gertrude W., farm located on the south side of State Secondary Road 1741 and 0.7 mile east of its junction with State Secondary Road 1740.

The Grant, Charlie, farm located on the south side of State Secondary Road 1745 and 0.4 mile west of its junction with State Secondary Road 1952.

The Grant, Maggie, Estate located on the west side of N.C. Highway 111 and 1.9 miles south of the junction of State Secondary Road 1730 with said highway.

The Grantham, Barfield, farm located on the west side of State Secondary Road 1931 and 0.4 mile north of its intersection with State Secondary Road 1120.

The Green, Bessey, farm located at the southern end of the State Secondary Road 1741 and 1.3 miles east of its junction with State Secondary Road 1740.

The Haggin, Joe, No. 1, farm located on the east side of State Secondary Road 1931 and 0.7 mile north of its intersection with State Secondary Road 1120.

The Haggin, Joe, No. 2, farm located on the east side of State Secondary Road 1931 and 1.1 miles northeast of its intersection with State Secondary Road 1120.

The Herring, Charles F., farm located on the south side of State Secondary Road 1741 and 0.3 mile east of its junction with State Secondary Road 1740.

The Herring, Harmon, farm located on the south side of State Secondary Road 1734 and 0.4 mile east of its junction with State Secondary Road 1731.

The Herring, Thel, farm located on the west side of State Secondary Road 1711 and 0.4 mile north of its junction with U.S. Highway 70A.

The Hines, Alice, farm No. 2 located on the south side of State Secondary Road 1744 and 0.8 mile west of intersection of said road and State Secondary Road 1932.

The Humphrey, Josephine, farm located on east side of State Secondary Road 1932 and 0.2 mile north of its intersection with State Secondary Road 1120.

The Ivey, W. H., farm located on the south side of State Secondary Road 1734 and 0.3 mile east of its junction with State Secondary Road 1731.

The Jackson, Major, farm located on the east side of State Secondary Road 1731 and 0.6 mile north of the Neuse River.

The Jones, Mary, farm located on both sides of State Secondary Road 1730 and its junction with State Secondary Road 1731.

The Lane, Alfred, farm located on the south side of State Secondary Road 1730 and 0.4 mile east of its junction with State Highway 111.

The Lofton, Burt & Davis, King, farm located on the east side of State Secondary Road 1739 and 0.3 mile south of its junction with State Highway 55.

The Lofton, Mary F., farm located on the south side of State Secondary Road 1745 and 0.1 mile west of its junction with State Secondary Road 1952.

The McClenny, G. A., farm located on the south side of State Secondary Road 1007 and 0.1 mile west of the junction of said road with State Highway 581.

The McClenny, G. A., No. 2, farm located on both sides of State Secondary Road 1332 and 0.1 mile north of junction of said road and State Secondary Road 1330.

The Oliver, H. H., farm located on the south side of State Secondary Road 1219 and 0.4 mile east of its junction with State Secondary Road 1218.

The Parks, Robert, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Perkins, Joe D., farm located on the northwest side of State Secondary Road 1711 and 0.2 mile southwest of the intersection of said road with U.S. Highway 70 Bypass.

The Price, James, farm located in the southeastern intersection of State Highway 111 and State Secondary Road 1745.

The Ray, Cora Pate, farm located on both sides of State Secondary Road 1730 and 0.8

mile west of its junction with State Secondary Road 1731.

The Raynor, A. B., farm located on the south side of U.S. Highway 13 and 0.1 mile east of its junction with State Secondary Road 1207.

The Raynor, Early, No. 1, farm located on the south side of U.S. Highway 13 and 0.3 mile east of its junction with State Secondary Road 1207.

The Raynor, Early, No. 2, farm located on the north side of State Secondary Road 1101 and 0.7 mile east of its intersection with State Secondary Road 1105.

The Raynor, Elester, farm located on the east side of State Secondary Road 1105 and 0.8 mile south of its intersection with U.S. Highway 13.

The Sasser, Johnny, farm located on the west side of State Secondary Road 1931 and 0.3 mile south of its junction with State Secondary Road 1930.

The Sasser, Rosa, farm located on both sides of State Highway 111 and 0.1 mile south of its junction with State Secondary Road 1912.

The Smith, Alfred, farm located on the north side of State Secondary Road 1330 and 0.9 mile west of the junction of said road and North Carolina Highway 581.

The Smith, Arnold, farm located on the southeast side of State Secondary Road 1932 and 0.5 mile northeast of its intersection with State Secondary Road 1120.

The Smith, M. G., farm located on the west side of State Secondary Road 1952 and 0.3 mile south of its junction with State Secondary Road 1745.

The Sutton, D. M., farm located on the east side of State Secondary Road 1731 and 0.9 mile north of the Neuse River.

The Sutton, Gordon, farm located on the south side of State Secondary Road 1730 and 1.6 miles east of its junction with State Highway 111.

The Talton, Lillian D., farm located on the south side of State Secondary Road 1730 and 0.6 mile east of its junction with State Highway 111.

The Thornton, S. E., farm located on the southeast junction of State Secondary Roads 1210 and 1209.

The Turnage, W. H., farm located on the northwest side of State Secondary Road 1932 and 0.3 mile northeast of its junction with State Secondary Road 1927.

The Whitfield, Herman, farm located at the end of State Secondary Road 1729.

The Williams, Eddie, farm located on the north side of State Highway 581 and the east side of State Secondary Road 1236 at the junction of said roads.

The Williams, Robert, farm located on the west side of State Secondary Road 1745 and 0.1 mile northeast of junction of said road and State Highway 55.

2. In § 301.80-2a relating to the State of South Carolina, the description for suppressive areas in Marlboro County is amended to add a property in alphabetical order to read as follows:

South Carolina

(1) *Generally infested area.* None.

(2) *Suppressive areas.*

Marlboro County.

The Quick, B. F., farm located on the south side of a dirt road 1 mile southwest of its junction with State Secondary Highway 257, and said junction being 1.75 miles northeast of the intersection of said highway and State Secondary Highway 165.

3. In § 301.80-2a relating to the State of South Carolina, the following descriptions for suppressive areas in Florence and Horry Counties are removed:

Florence County.

The Drayfus Development Corp., farm located on the west side of State Secondary Highway 64 and 0.2 mile north of its intersection with Black Creek.

The Poston, Mrs. J. J., farm located on the west side of State Secondary Highway 164 and 0.8 mile northwest of its junction with State Secondary Highway 86.

Horry County.

The Atkinson, John A., farm located on the east side of a dirt road and being 1 mile north of the junction of said dirt road with U.S. Highway 378 and State Secondary Highway 63.

The Brown, Billy Joe, farm located on the west side of a dirt road and 2.2 miles southwest of its junction with State Secondary Highway 99, said junction being 0.5 mile northwest of said highway and State Highway 100.

The Cooper, James E., farm located on the south side of a dirt road and 0.5 mile east of its junction with State Secondary Highway 78, said junction being 1.25 miles northwest of the junction of said highway and U.S. Highway 378.

The Fowler, Jennie Bell, farm located at the end of a farm road which junctions with a county road said junction being 0.5 mile east of the Oakdale Baptist Church.

The Graham, Bud Neals, farm located at the end of a dirt road and 0.6 mile east of its junction with a second dirt road, said junction 0.75 mile south of the junction of the second dirt road and State Secondary Highway 78, said second junction being 0.75 mile southeast of Juniper Bay Church.

The Johnson, Mayberry, farm located on the south side of State Primary Highway 917 at its junction with State Secondary Highway 59.

The Johnson, Sam, farm located on the north side of a dirt road and 1 mile east of its junction with State Secondary Highway 78, said junction being 1.9 miles northwest of the junction of said highway and U.S. Highway 378.

The Reynolds, Dick, farm located on the south side of a dirt road and 0.4 mile west of its intersection with U.S. Highway 501, said intersection being 1.8 miles south of the junction of said highway and State Secondary Highway 129.

The Shelley, O. R., farm located on the east side of a dirt road and 0.8 mile northeast of the junction of said dirt road and State Secondary Highway 306, said junction being

1.1 miles west of the intersection of State Secondary Highway 306 and the South Carolina-North Carolina State line.

(Secs. 8, 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33; [7 U.S.C. 161, 162, 150ee; 37 FR 28464, 28477]; 38 FR 19141; 7 CFR 301.80)

Done at Washington, D.C., this 12th day of June 1981.

H. F. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-18237 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-34-M

7 CFR Part 354

Overtime Services Relating to Imports and Exports; Commuted Traveltime Allowances

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends administrative instructions prescribing commuted traveltime. These amendments establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Plant Protection and Quarantine performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT:

T. J. Lanier, Regulatory Support Staff, Animal and Plant Health Inspection Service, Plant Protection and Quarantine, U.S. Department of Agriculture, Hyattsville, MD 20782 [301-436-8247].

SUPPLEMENTARY INFORMATION: This final action has been reviewed under Executive Order 12291, and has been determined to be exempt from those requirements. Nicholas E. Bedessem, Special Assistant to the Administrator, made this determination because commuted traveltime allowances are strictly a function of where the APHIS employee lives in relation to the place overtime or holiday duty is performed. As employees are transferred or change their residence or as the place of inspection changes, the number of hours of commuted traveltime allowed may change. These amendments merely reflect such changes and serve to notify the public of the new allowed hours.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, January 5, September 28, December 18, 1979; March 21, July 11, October 10, 1980; January 7, 1981 and April 17, 1981 (44 FR 1364, 55791, 74791; 45 FR 18367, 46785, 67288; 46 FR 1661 and 22354) prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

Commuted Traveltime Allowances (in Hours)			
Location covered	Served from	Metropolitan area	
		Within	Outside
Add:			
California:			
Sacramento	San Francisco		5
Travis AFB	San Francisco		4
Hawaii:			
Kailua, Kona	Hilo		5
Virginia:			
Hopewell	Norfolk		5
Richmond	Norfolk		5

[64 Stat. 561; (7 U.S.C. 2260)]

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the *Federal Register*.

Done at Washington, D.C., this 16th day of June 1981.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-18294 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 667, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Minimum Size Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment continues through January 31, 1982, the current minimum size requirement of 2.32 inches in diameter for fresh shipments of Valencia oranges grown in Arizona and designated part of California. This requirement is necessary to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATES: June 26, 1981 through January 31, 1982.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532 South Building, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. This document is issued under marketing agreement and Order No. 908, both as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and a designated part of California. The marketing agreement and order are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the marketing agreement and order, and upon other information.

The committee indicates that volume and size composition of the crop of Valencia oranges are such that more than ample supplies of the more desirable larger sizes will be available to satisfy the demand in regulated channels. The committee reports that when more than ample supplies of larger sizes are available for shipment, disposition of the sizes which would be eliminated by this regulation can be

accomplished only at a substantial price discount and this tends to depress the market for all sizes of fruit. In the circumstances, elimination of sizes smaller than 2.32 inches in diameter is in the interest of growers and consumers. Valencia oranges failing to meet such requirements could be shipped to fresh export markets, left on the trees to attain further growth, or utilized in processing.

Regulation 667 was published in the *Federal Register* issue of April 17, 1981 (46 FR 22557) as an interim rule effective for the period April 17, 1981, through June 25, 1981. This rule allowed interested persons to submit comments relative to the rule through May 18, 1981. No comments were submitted.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553). It is necessary to effectuate the declared policy of the act to make this regulatory provision effective as specified. Shipments of Valencia oranges from the production area are in progress and handlers have been notified of the effective date of this provision. It is found that the regulation of shipments of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

Information collection requirements (reporting or record keeping) under these parts are subject to clearance by the Office of Management and Budget (OMB) and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, § 908.967 Valencia Orange Regulation 667 (46 FR 22557) is revised to read as follows (§ 908.967 expires January 31, 1982, and will not be published in the annual Code of Federal Regulations).

§ 908.967 Valencia Orange Regulation 667.

During the period June 26, 1981, through January 31, 1982, no handler shall handle any Valencia oranges grown in Districts 1, 2 and 3 which are of a size smaller than 2.32 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.32 inches in diameter.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674))

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 81-18221 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 910

[Lemon Reg. 310; Lemon Reg. 309, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service,
USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period June 21-27, 1981, and increases the quantity of lemons that may be shipped during the period June 14-20, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective June 21, 1981 and the amendment is effective for the period June 14-20, 1981.

FOR FURTHER INFORMATION CONTACT:
William J. Doyle, 202-447-5975.

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant," and not a major rule. This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1980-81. The marketing policy was recommended by the committee following discussion at a public meeting on July 8, 1980. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on June 16, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and

recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demand for lemons is active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

1. Section 910.610 is added as follows:

§ 910.610 Lemon regulation 310.

The quantity of lemons grown in California and Arizona which may be handled during the period June 21, 1981, through June 27, 1981, is established at 350,000 cartons.

2. Section 910.609 Lemon Regulation 309 (46 FR 31249) is revised to read as follows:

§ 910.609 Lemon regulation 309.

The quantity of lemons grown in California and Arizona which may be handled during the period June 14, 1981, through June 20, 1981, is established at 355,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: June 17, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable
Division, Agricultural Marketing Service.

[FR Doc. 81-18402 Filed 6-18-81; 11:24 am]

BILLING CODE 3410-02-M

7 CFR Part 923

[Cherry Reg. 20]

Sweet Cherries Grown in Designated Counties in Washington; Grade, Size, Container, and Pack Requirements

AGENCY: Agricultural Marketing Service,
USDA.

ACTION: Interim rule.

SUMMARY: This regulation sets minimum grade, size, container, and pack requirements on the handling of sweet cherries, other than Rainier, Royal Anne, and other light sweet cherries, grown in designated counties in the State of Washington. Such action is necessary to promote orderly marketing of suitable quality and sizes of fresh Washington cherries in the interest of producers and consumers.

DATES: July 1, 1981, through September 14, 1981; comments which are received by July 20, 1981, will be considered prior to issuance of a final rule to become effective September 15, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:
William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

The Washington cherry regulation would be issued under the marketing agreement and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The grade, size, container, and pack requirements were recommended by the Washington Cherry Marketing Committee, which locally administers the order program.

Under the regulation, shipments of cherries, except those of the Rainier, Royal Anne and similar varieties commonly referred to as "light sweet cherries," would be required to be grade Washington No. 1, except for a small

increase in the tolerance for defects. The cherries would also be required to be $\frac{3}{4}$ inch in diameter or larger in all containers, except for those in face-packed containers, 20-pound containers or larger, or experimental containers, for which the minimum size is $\frac{3}{4}$ inch. The container requirements would specify the minimum amount of cherries, by weight, required in the various types of containers. The pack requirements would establish minimum diameter requirements for cherries packed in containers marked with row count/row size or minimum diameter designations. Individual shipments of cherries up to 100 pounds sold for home use and not for resale would be exempted from the grade, size, container, and pack requirements, if certain conditions are met to prevent their movement into commercial markets.

The grade and size requirements are necessary to prevent the shipment of Washington cherries of a lower grade or smaller size than specified and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers. The container and pack requirements are designed to prevent deceptive packaging practices and to promote buyer confidence. These requirements are in the interest of producers and consumers pursuant to the declared policy of the act.

For the 1981 season, the Washington Cherry Marketing Committee estimates that fresh shipments from the production area will be 27,000 tons, with 13,000 tons accounted for by Wenatchee District and 14,000 tons by Yakima District. If realized, this would be 21 percent less than the 34,286 tons shipped fresh from the production area during the 1980 season. Total fresh shipments for the entire State of Washington have been projected at 32,600 tons, 12 percent less than last year's shipments of 37,200 tons. The sharp reduction in projected fresh shipments this season is due to considerable frost damage in major fruit growing areas in mid-April.

It is found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date of this regulation until 30 days after publication in the *Federal Register* (5 U.S.C. 553), and good cause exists for making these regulatory provisions effective as specified in that (1) the sweet cherry regulation was recommended by the committee following discussion at a public meeting on May 13, 1981; (2) Washington sweet cherry handlers have been apprised of these requirements and the effective date; and (3) the requirements for

Washington sweet cherries are the same as those currently in effect.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Therefore, new § 923.320 is added to read as follows (§ 923.320 expires September 14, 1981, and will not be published in the annual Code of Federal Regulations):

§ 923.320 Cherry Regulation 20.

(a) *Order*—(1) *Grade and sizes*. During the period July 1, 1981, through September 14, 1981, no handler shall handle, except as otherwise provided in paragraphs (b), (c), and (d) of this section, any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries," unless such cherries meet each of the following applicable requirements:

(2) Washington No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the Washington State Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay: *Provided*, That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(3) At least 95 percent, by count, of the cherries in the lot shall measure not less than $\frac{3}{4}$ inch in diameter, except as hereinafter provided in paragraph (b)(2)(ii) and subparagraph (4) of this paragraph.

(4) At least 90 percent, by count, of the cherries in any lot of face packed containers or any containers of 20 pounds, net weight, or more shall measure not less than $\frac{3}{4}$ inch in diameter and not more than 5 percent, by count, of such cherries may be less than $\frac{3}{4}$ inch in diameter.

(b) *Containers*. During the period July 1, 1981 through September 14, 1981, no handler shall handle any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries," unless such cherries are in containers

which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15½ by 10½ by 4 inches shall not be less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph, shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee.

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than $\frac{3}{4}$ inch in diameter, and not more than 5 percent, by count, of such cherries may be less than $\frac{3}{4}$ inch in diameter.

(c) *Pack*. (1) When containers of cherries are marked with one of the row count/row size designations shown in Column 1 of the following table, at least 90 percent, by count, of the cherries in any lot shall be not smaller than the corresponding diameter shown in Column 2 of such table: *Provided*, That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than $\frac{3}{4}$ inch in diameter.

Table

Column 1 Row Count/Row Size	Column 2 Diameter (inches)
9	73/64
10	65/64
11	59/64

(2) When containers of cherries are marked with a minimum diameter of $\frac{3}{4}$ inch, at least 90 percent, by count, of the cherries in any lot shall be not smaller than such minimum diameter: *Provided*, That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than $\frac{3}{4}$ inch in diameter.

(3) When containers of cherries are marked with a minimum diameter larger than $\frac{3}{4}$ inch, at least 90 percent, by count, of the cherries in any lot shall be not smaller than the diameter so marked: *Provided*, That of the 10 percent smaller cherries permitted not more than 5 percent, by count, may be smaller than $\frac{3}{4}$ inch in diameter.

(d) *Exceptions*. Any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions

of paragraphs (a), (b), and (c) of this section, and of §§ 923.41 and 923.55 of this part:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(e) *Definitions.* When used herein, "Washington No. 1" and "diameter" shall have the same meaning as when used in the Washington State Standards for Grades of Sweet Cherries (Order 1550 effective April 29, 1978, WAC 16-414-050); "face-packed" means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container; "row count/row size" means the number of cherries of a uniform size necessary to pack row-faced across a 10½-inch inside width container or comparable number of cherries when packed loose in a container; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service,

[FR Doc. 81-18225 Filed 6-16-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 945

Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation requires fresh market shipments of potatoes grown in certain counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum grade, size, cleanness, maturity and pack requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable sizes and qualities from being shipped to consumers.

EFFECTIVE DATE: August 1, 1981.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615. The Final Impact Analysis relating to this final

rule is available on request from Mr. Porter.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated 106 handlers.

Marketing Agreement No. 98 and Order No. 945, both as amended (7 CFR Part 945), regulate the handling of potatoes grown in designated counties in Idaho and Malheur County, Oregon. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Idaho-Eastern Oregon Potato Committee, established under the order, is responsible for its local administration.

Notice of rulemaking was published in the April 23, 1981, *Federal Register* (46 FR 23058). The notice afforded interested persons through May 24, 1981, to file written comments on the proposal. None was filed.

This regulation is based upon recommendations made by the committee at its public meeting in Pocatello, Idaho, on March 3, 1981.

The regulation is similar to those issued during past seasons. The grade, size, cleanness, maturity, pack and inspection requirements recommended herein are necessary to prevent potatoes of low quality or undesirable sizes from being distributed to fresh market outlets. The specific requirements will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing, and will tend to effectuate the declared policy of the act.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

A specified quantity of potatoes are exempt from maturity requirements in order to (1) permit growers to make test diggings without loss of the potatoes so harvested or (2) to allow a lot to be shipped which after regrading, meets the grade and size requirements but then fails to meet the maturity requirements, possibly due to further "skinning" as a result of running the potatoes over the grader again.

Shipments are permitted to certain special purpose outlets without regard to minimum grade, size, cleanness,

maturity and pack requirements, provided that safeguards are met to prevent such potatoes from reaching unauthorized outlets. Since no purpose would be served by regulating potatoes used for charity purposes, such shipments are also exempt. Certified seed and seed pieces cut from stock eligible for certification are exempt, because requirements for this outlet differ greatly from those for fresh market.

Potatoes used for experimentation have special requirements and do not normally enter commercial channels of trade. Potatoes for most processing uses are exempt under the legislative authority for this part.

Requirements for export shipments differ from those for domestic markets. While the standard quality requirements are desired in foreign markets, smaller sizes are more acceptable. In commercial prepeeling, operators can use potatoes with surface defects which would be undesirable for the tablestock market, and smaller sizes are acceptable. Therefore, different requirements are necessary for export and prepeeling shipments.

Findings. After consideration of all relevant matters, including the proposal in the notice, it is found that the following handling regulation will tend to effectuate the declared policy of the act.

§ 945.339 [Removed]

Section 945.339 (45 FR 50547) is hereby removed and § 945.340 is added to read as follows:

§ 945.340 Handling regulation.

During the period August 1, 1981, through August 15, 1982, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) through (d) of this section, or unless such potatoes are handled in accordance with paragraphs (e) and (f), or (g) of this section.

(a) *Minimum quality requirements.*—(1) *Grade.* All varieties—U.S. No. 2 or better grade.

(2) *Size.* (i) *Round red varieties*—1½ inches minimum diameter.

(ii) *All other varieties*—2 inches minimum diameter, or 4 ounces minimum weight.

(iii) *All varieties*—Size B if U.S. No. 1 grade.

(3) *Cleanness.* All varieties—"fairly clean."

(b) *Minimum maturity requirements.*—(1) *White Rose and red skin varieties:* Each year from August 1 through December 31, "moderately

skinned"; during other periods no maturity requirements.

(2) *Norgold varieties*: Each year from August 1 through August 15, "moderately skinned"; during other periods "slightly skinned."

(3) *All other varieties*: "Slightly skinned."

(4) *Exceptions*. (i) Subject to compliance with paragraph (b)(4)(iii) of this section, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements, but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size

requirements but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements if the handler complies with paragraph (b)(4)(iii) of this section.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Pack*. (1) When 50-pound containers (except master containers) of long varieties of potatoes are marked with a count, size or similar designation they must meet the count, average count and weight ranges for the count designation listed below.

	Range		
	Count	Average count ¹	Weight
Larger than 50 size	(²)	(³)	(⁴)
50 size	45-55	48-53	12-19
60 size	54-66	57-63	10-16
70 size	63-77	67-74	9-15
80 size	72-88	76-84	8-13
90 size	81-99	8-95	7-12
100 size	90-110	95-105	6-10
110 size	99-121	105-116	5-9
120 size	108-132	114-126	4-8
130 size	117-143	124-137	4-8
140 size	126-154	133-147	4-8
Smaller than 140	(⁵)	(⁶)	4-6

¹ Applicable to lots.

² 10 percent over or under.

³ 5 percent over or under.

⁴ 15 oz. or larger.

The following tolerances by weight, are provided for potatoes in any lot which fails to meet the weight range for the designated count:

(i) Not to exceed 5 percent for undersize; and

(ii) Not to exceed 10 percent for oversize.

(2) Potatoes packed in 50-pound cartons shall be U.S. No. 1 or better grade. However, potatoes of U.S. Extra No. 1 grade shall be no smaller than 110 size nor larger than 60 size.

(d) *Inspection*. (1) No handler shall handle potatoes unless such potatoes are inspected by either the Idaho Federal-State Inspection Service or Oregon Federal-State Inspection Service and are covered by a valid inspection certificate except when relieved of such requirement pursuant to paragraph (e) and (f), or (g) of this section.

(2) Each lot moving by truck shall be accompanied by a copy of a valid inspection certificate.

(e) *Special purpose shipments*. (1) The minimum grade, size, cleanness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this

section shall not be applicable to shipments of potatoes for any of the following purposes:

(i) Charity;
(ii) Certified seed;
(iii) Seed pieces cut from stock eligible for certification as certified seed;
(iv) Experimentation; and
(v) Canning, freezing and "other processing" as hereinafter defined. Also, shipments of potatoes for the purpose specified in this subdivision (v) shall be exempt from inspection requirements specified in § 945.65 and paragraph (d) of this section and from assessment requirements specified in § 945.42.

(2) The minimum grade, size, cleanness, maturity and pack requirements set forth in paragraphs (a), (b) and (c) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) *Exports*: Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) *Prepeeling*: Except potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes

grade not less than Idaho Utility or Oregon Utility grade.

(f) *Safeguards*. (1) Each handler making shipments of potatoes for charity, seed pieces cut from stock eligible for certification, experimentation, export, or for prepeeling pursuant to paragraph (e) of this section shall:

(i) First, apply to the committee for and obtain a Certificate of Privilege to make shipments for each purpose;

(ii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iii) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that such receiver will complete and return to the committee such periodic receiver's reports that the committee may require.

(iv) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable receiver.

(2) Each handler making shipments of potatoes for canning, freezing, or "other processing" pursuant to paragraph (e) of this section shall:

(i) First apply to the committee for and obtain a Certificate of Privilege to make shipments for processing;

(ii) Make shipments only to those firms whose names appear on the committee's current list of manufacturers of potato products;

(iii) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(iv) Mail to the committee's office a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(v) Bill each shipment directly to the applicable processor.

(3) Each receiver of potatoes for processing pursuant to paragraph (e) of this section shall:

(i) Complete and return an application form for listing as a manufacturer of potato products;

(ii) Certify to the committee and to the Secretary that potatoes received from the production area for processing will be used for such purposes and will not be placed in fresh market channels;

(iii) Report on shipments received as the committee may require and the Secretary approve.

(g) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, five hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any shipment that exceeds five hundredweight of potatoes.

(h) *Definitions.* The terms "U.S. Extra No. 1," "U.S. No. 1," "U.S. No. 2," "Size B," "fairly clean," "moderately skinned," and "slightly skinned," shall have the same meaning as when used in the United States Standards for Potatoes (7 CFR 2851.1540-2851.1566), including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 of the United States Standards for Peeled Potatoes (7 CFR 2852.2421-2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." The terms "Idaho Utility" grade and "Oregon Utility" grade shall have the same meaning as when used in the standards for potatoes for the respective State. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 945, both as amended.

(i) *Applicability to imports.* Pursuant to § 8e of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the long varieties imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(j) *Forms.* Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: June 15, 1981 to become effective August 1, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18227 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 982

Handling of Filberts Grown in Oregon and Washington; Expenses of the Filbert/Hazelnut Marketing Board and Rate of Assessment for the 1981-82 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1981-82 marketing year, to be collected from handlers to support activities of the Filbert/Hazelnut Marketing Board which locally administers the Federal marketing order covering filberts grown in Oregon and Washington.

DATES: Effective May 1, 1981, through April 30, 1982.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250, (202) 447-5697.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified "not significant" and, therefore, it is not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated handlers.

Information collection (reporting or recordkeeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Pursuant to Marketing Order No. 982, as amended (7 CFR Part 982; 48 FR 26037), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674) and upon the basis of the recommendation and information submitted by the Board established under this marketing order,

and upon other information, it is found that the expenses and rate of assessment, as hereinafter provided, will tend to effectuate the declared policy of the act.

A recent amendment of the marketing order changed the term "fiscal year" to "marketing year." That necessitates conforming changes because the former term appears in § 982.300 of Subpart—Operating Reserve Fund; Budget of Expenses and Rate of Assessment. Section 982.300 approves the establishment and maintenance of a monetary operating reserve for approved Board expenses. The reserve provides funds for operating expenses at the beginning of a season and before income from current year's assessments is received.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rulemaking, and that good cause exists for not postponing the effective time until 30 days after publication in the Federal Register (5 U.S.C. 553), as the order requires that the rate of assessment for a particular marketing year shall apply to all assessable filberts handled from the beginning of such year which began May 1, 1981. To enable the Board to meet marketing year obligations, approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the Board. To effectuate the declared purposes of the act, it is necessary to establish the expenses and assessment rate for the 1981-82 marketing year.

Therefore, Subpart—Operating Reserve Fund; Budget of Expenses and Rate of Assessment is changed by amending § 982.300 and adding a new § 982.326 to read as follows:

§ 982.300 [Amended]

1. Section 982.300 is amended by changing the term "fiscal year," wherever it appears in the section, to "marketing year."

2. A new § 982.326 establishing the expenses and assessment rate for the 1981-82 marketing year is added as follows:

§ 982.326 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Filbert/Hazelnut Marketing Board during the 1981-82 marketing year, will amount to \$45,034.

(b) The rate of assessment for said marketing year payable by each handler in accordance with § 982.61 is fixed at 0.20 cent per pound of filberts.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18224 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M7

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 523

(No. 81-326)

Monetary Control Act Reserves Counting Toward Liquidity Requirements

June 11, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: These amendments implement Title I of the Depository Institutions Deregulation and Monetary Control Act of 1980 ("Act") by authorizing Federal Home Loan Bank member institutions to count toward liquidity certain reserves required by Title I to be maintained by member institutions, whether deposited directly or indirectly with a Federal Reserve Bank. The Board also is amending its liquidity regulations regarding the status of vault cash when it is maintained to satisfy the requirements of Title I of the Act. Finally, these amendments allow investments in obligations issued by the Student Loan Marketing Association to count toward liquidity.

EFFECTIVE DATE: June 11, 1981.

FOR FURTHER INFORMATION CONTACT: David J. Bristol, Office of General Counsel, (202) 377-6461, or Richard Pickering, Office of Policy and Economic Research, (202) 377-6750, Federal Home Loan Bank Board, 1700 G Street, N.W., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On March 12, 1981, the Federal Home Loan Bank Board, by Resolution No. 81-134 (46 FR 19500, published March 31, 1981), proposed amendments to 12 CFR 523.10 implementing Title I of the Act (also cited as the "Monetary Control Act of 1980") (Pub. L. 96-221, 94 Stat. 132 (1980)). The Act requires that Federal Home Loan Bank member institutions maintain certain reserves against transaction accounts and nonpersonal time deposits, and it provides that such reserves may be in the form of balances

maintained directly in a Federal Reserve Bank, or indirectly in such a Bank by means of a pass through account at a Federal Home Loan Bank or other depository institution. The Act also provides that vault cash may be used to satisfy the newly imposed reserve requirements. Section 104 of the Act further provides that required reserves held in the form of balances at a Federal Reserve Bank or in a pass through account may be used to satisfy the liquidity requirements imposed under other provisions of Federal law, including section 5A of the Federal Home Loan Bank Act ("Bank Act") (12 U.S.C. 1425a). The Board of Governors of the Federal Reserve System has adopted Regulation D (12 CFR Part 204) implementing the reserve requirements of Title I of the Act. Regulation D does not implement the liquidity provisions of the Act. Hence, the present Board action is necessary.

In its proposal, the Board sought to reconcile section 104 of the Act, which provides that Regulation D reserves in the form of Federal Reserve Bank balances or pass through accounts may be used to satisfy liquidity requirements, and section 5A of the Bank Act, which charges the Board with responsibility for regulating the flow of mortgage credit by adjusting the liquidity requirements set forth in 12 CFR Part 523. Pursuant to its charge under section 5A, the Board has encouraged the formation of liquidity portfolios that could be disposed of quickly in the market to meet changes in the need for mortgage credit. Consequently, the Board has approved as eligible liquid assets only those investments which mature quickly and, with respect to investments other than Bank deposits, for which there exists an active trading market. In addition, the Board has required that a portion of the overall liquidity requirement be maintained as short-term liquid assets. Since the reserve required to be maintained under Title I (as implemented by Regulation D), including vault cash so maintained, may not be liquidated pursuant to an exercise of the Board's credit-regulating authority under section 5A of the Bank Act, the Board expressed the view in the proposal that allowing the use of such Regulation D reserves to satisfy short-term liquidity requirements would inhibit the Board's ability to exercise its credit-regulating function under section 5A. Accordingly, to preserve its flexibility of action under section 5A, the Board proposed to exclude from short-term liquid assets eligibility the reserve required by Regulation D, whether maintained as vault cash, in pass through accounts, or

as direct deposits with a Federal Reserve Bank. The proposal incorporated the definition of "vault cash" and "pass through account" contained in Regulation D.

The Board has received 13 comments on its proposal. Three of the commenters, including two national trade organizations representing the thrift industry and a large Federal association, expressed support for the regulation as proposed, and urged its prompt adoption.

Ten commenters expressed disapproval of the proposal. Several of these commenters noted that the maintenance of additional reserves pursuant to Regulation D and the records required for such maintenance represented additional burdens for the thrift industry which could impede profitability at the present time. While the Board recognizes that the maintenance of Regulation D reserves may be a burden to many member institutions, the Board has no statutory power to affect these requirements. Further, since member institutions will have to maintain records to assure compliance with Regulation D reserve requirements, the Board does not believe that its adoption of provisions allowing such reserves to be counted as liquid assets will saddle institutions with any additional recordkeeping requirements beyond those presently required.

Opposing commenters also found the proposal to exclude from short-term liquidity vault cash used to satisfy Regulation D requirements especially irksome. One commenter pointed out that section 104 of the Act provides that Regulation D reserves may be "used to satisfy liquidity requirements which may be imposed under other provisions of Federal or State law," and suggested that the quoted language justifies counting all Regulation D reserves as short-term liquidity. The Board notes that it did not propose to declare vault cash or other reserves illiquid but, instead, to provide that such reserves, to the extent they are set aside to satisfy the requirements of Regulation D, should not be counted toward short-term liquidity. The Board believes that this provision is necessary to reconcile Regulation D with section 5A of the Bank Act.

The Board recognizes that the diversion of funds from income-yielding investments required by Regulation D will be burdensome to many institutions. The Board believes, however, that the amendments proposed in Resolution No. 81-134 minimize these burdens by allowing Regulation D reserves to count

toward liquidity while preserving the Board's ability to respond to its obligation under section 5A of the Bank Act, and it is, therefore, adopting the amendments as proposed.

In addition, the Board is taking this opportunity to amend subparagraph (g)(3) of § 523.10 to allow investment, for liquidity purposes, in obligations issued by the Student Loan Marketing Association ("SLMA") subject to applicable maturity limitations. Since 1973, the Board has authorized Federal associations to invest, without limitation, in such obligations pursuant to the provision of Section 5(c) of the Home Owners' Loan Act regarding "Other Government Securities," which refers specifically to SLMA as a government agency.

The Board finds that a 30-day delay of effective date pursuant to 12 CFR 508.14 and 5 U.S.C. 553(d) is unnecessary as the amendments implement statutory changes and relieve current regulatory restrictions. Accordingly, the Board hereby amends Part 523 of Subchapter B, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER B—REGULATIONS FOR THE FEDERAL HOME LOAN BANK SYSTEM

Part 523—Members of Banks

Liquidity

Amend § 523.10 by (1) adding new paragraph (g)(3)(xi); (2) deleting the word "and" at the end of paragraph (g)(7); (3) deleting the period at the end of paragraph (g)(8) and replacing it with a semi-colon and the word "and"; (4) adding a new paragraph (g)(9); and (5) amending the introductory clause of paragraph (h); to read as follows:

§ 523.10 Definitions for purposes of this section and §§ 523.11 and 523.12.

(g) *Liquid assets.* * * *
(3) * * *
(xi) The Student Loan Marketing Association;

(9) Reserves required to be maintained pursuant to Title I of the Depository Institutions Deregulation and Monetary Control Act of 1980 and established pursuant to 12 CFR Part 204, whether in the form of (i) vault cash, (ii) balances maintained directly with the Federal Reserve Bank in the district in which the member is located, or (iii) a pass through account: *Provided*, That vault cash shall be included only once in calculating the aggregate amount of liquid assets. As used herein, the terms "vault cash" and "pass through account" are as defined in 12 CFR 204(2).

(h) *Short-term liquid assets.* The total of cash other than vault cash used to satisfy the reserve requirements of 12 CFR Part 204, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets (including such assets held subject to repurchase agreement):

(94 Stat. 132, Pub. L. 96-221; 12 U.S.C. 1437, Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.
J. J. Finn,
Secretary.

[FR Doc. 81-18258 Filed 6-18-81; 8:45 am]
BILLING CODE 6720-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Parts 935 and 936

Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Extension of Comment Period on Partial Suspension of Regulations

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Suspension of final rules; extension of comment period.

SUMMARY: The Office of Coastal Zone Management within NOAA has suspended until September 30, 1981, those provisions of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary (but only insofar as these regulations affect hydrocarbon activities). During this period, NOAA will reconsider the regulations in accordance with Executive Order 12291. This reconsideration will involve an analysis of the costs and benefits to the Nation which would result from imposing additional prohibitions on hydrocarbon activities to the controls imposed under the Outer Continental Shelf Lands Act and other Federal statutes. The period for comments from interested parties is being extended from June 30 to August 1, 1981.

DATES: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting

hydrocarbon development are suspended until September 30, 1981. The comment period has been extended from June 30, 1981 until August 1, 1981.

ADDRESS: Send comments to: Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: John Epting, telephone (202) 634-4236.

SUPPLEMENTARY INFORMATION: The majority of the regulations issued pursuant to the designation of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective on March 30, 1981, and April 5, 1981, respectively.

In response to Presidential Executive Order 12291 (46 FR 13193, February 19, 1981), on March 30, 1981 (46 FR 19227) NOAA suspended those portions of the regulations which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary for a period of 30 days during which it considered whether to suspend them for an additional period of up to 6 months while it reconsidered their substantive impact in accordance with Executive Order 12291. A 15-day comment period on this initial decision was provided. On April 29, 1981 (46 FR 23924), NOAA continued the suspension until September 30, 1981.

Because of the significance and complexity of these issues, the comment period is extended from June 30, 1981 until August 1, 1981.

Dated: June 15, 1981.

William Matuszeski,
Acting Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 81-18193 Filed 6-18-81; 8:45 am]
BILLING CODE 3510-08-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 80F-0282]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Food Starch-Modified

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of calcium hypochlorite as a modifying agent for food starch. This

action is based on a petition from Markel, Hill and Byerley on behalf of Anheuser-Busch Companies, Inc.

DATES: Effective June 19, 1981; objections by July 20, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Richard C. Kraska, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of September 2, 1980 (45 FR 58205), FDA announced that a food additive petition (FAP 8A3402) had been filed by Markel, Hill and Byerley, 1625 K St. NW., Washington, DC 20006, on behalf of Anheuser-Busch Companies, Inc., 721 Pestalozzi St., St. Louis, MO 63118, proposing that § 172.892 (21 CFR 172.892) be amended to provide for the safe use of calcium hypochlorite as a modifying agent for food starch.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed use of calcium hypochlorite as a modifying agent for food starch is safe and § 172.892 should be amended as set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981)), Part 172 is amended in § 172.892(b) by inserting alphabetically a new item in the list of substances, to read as follows:

§ 172.892 Food starch-modified.

(b) * * *

Limitations

Chlorine, as calcium hypochlorite, not to exceed 0.036 percent of dry starch.	The finished food starch-modified is limited to use only as a component of batter for commercially processed foods.
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Any person who will be adversely affected by the foregoing regulation may at any time on or before July 20, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection

shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 19, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18198 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 175

[Docket No. 80F-0061]

Indirect Food Additives: Adhesive Coatings and Components; Resinous and Polymeric Coatings

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of 2,4,7,9-tetramethyl-5-decyn-4,7-diol as a surface active agent in resinous and polymeric coatings of cans for food-contact use. This action is based on a food additive petition filed by Air Products & Chemicals, Inc.

DATES: Effective June 19, 1981; objections by July 20, 1981.

ADDRESS: Written objections to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Bureau of Foods (HFF-334), Food and Drug Administration, 200

C St. SW., Washington, DC 20204, 202-472-5740.

SUPPLEMENTARY INFORMATION: A notice published in the Federal Register of March 28, 1980 (45 FR 20558) announced that a food additive petition (FAP 9B3467) had been filed by Air Products & Chemicals, Inc., P.O. Box 538, Allentown, PA 18105, proposing to amend § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) to provide for the safe use of 2,4,7,9-tetramethyl-5-decyn-4,7-diol as a surface active agent for resinous and polymeric coatings in articles intended for food-contact use.

FDA has evaluated data in the petition and other relevant material and finds that 2,4,7,9-tetramethyl-5-decyn-4,7-diol is safe for its intended use and that § 175.300 should be amended as set forth below to include the petitioned additive.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement, therefore, is not required. The agency's finding of no significant impact and the evidence supporting this finding, including a statement of exemption pursuant to 21 CFR 25.1(f)(1)(v) may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857 from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner (21 CFR 5.10), Part 175 is amended in § 175.300(b)(3)(xxix) by alphabetically adding a new item in the list of surface active agents to read as follows:

§ 175.300 Resinous and polymeric coatings.

(b) * * *

(3) * * *

(xxix) Surface active agents: * * *

2,4,7,9-Tetramethyl-5-decyn-4,7-diol (C.A.S. Reg. No. 126-86-3), for use only in can coatings which are subsequently dried and cured at temperatures of at least 193° C (380° F) for 4 minutes.

Any person who will be adversely affected by the foregoing regulation may at any time on or before July 20, 1981, submit to the Dockets Management

Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective June 19, 1981.

(Secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348))

Dated: June 12, 1981.

William F. Randolph,
Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 81-18199 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 314

[Docket No. 81N-0039]

New Drug Applications; Elimination of Requirement for Submitting a Supplemental Application for Change in Distributor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is eliminating the requirement for supplements to new drug applications (NDA's), including abbreviated new drug applications (ANDA's), to provide for new distributors. Information concerning changes in distributors will instead be included in the periodic reports. This action will improve the processing of supplemental applications by reducing the number of supplements required to

be submitted by the drug industry and reviewed by FDA.

DATES: Effective June 19, 1981.
Comments by July 20, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Ed Farha, Bureau of Drugs (HFD-30), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6490.

SUPPLEMENTARY INFORMATION: FDA is revising its regulations governing supplements to new drug applications to allow for a more efficient use of its resources and to reduce the number of supplements required to be submitted by the drug industry to report changes in approved new drug applications. Although this limited revision is part of an overall plan to rewrite comprehensively FDA's Investigational New Drug (IND) and NDA regulations to improve the efficiency of FDA's review and approval process, it is being handled separately in this rulemaking action to reduce unnecessary burdens on FDA and the regulated industry. When the comprehensive IND/NDA rewrite is proposed in the future, this limited revision may be recodified in another section of the regulations to correspond with the revisions made at that time.

Current regulations in § 314.8 (21 CFR 314.8) require the holder of an approved new drug application to submit a supplemental application to provide for certain changes in the conditions of the approved new drug application, such as new manufacturing methods, new indications, and new distribution arrangements. The submission of supplemental applications enables FDA to maintain surveillance over changes made in approved new drug applications which may affect the drug product's conditions of use, labeling, safety, effectiveness, or identity, strength, quality, and purity.

Under the current regulations some supplements require approval by the agency before the changes may be made, while other changes may be put into effect when the supplement is filed with the agency, but before its approval. Further, the regulations exempt certain changes entirely from the requirement of supplemental applications, provided that the changes are described in the next periodic report required by § 310.300 or § 310.302 (21 CFR 310.300, 310.302).

Currently, under § 314.8(a)(6) (21 CFR 314.8(a)(6)), the addition of a distributor of an approved new drug is a type of change which may be made without the prior approval of a supplemental application, provided certain conditions are met. The removal of a distributor does not require the submission at any time of a supplemental application. The word "distributor", as used in § 314.8(a)(6) refers to the person or firm whose name appears on the label of the drug product as distributing the drug, but does not include a person or firm who distributes as well as repackages or relabels the drug product. In order for a person or firm to distribute an approved drug product without the prior approval of a supplemental application, the following conditions must be met, in addition to the NDA holder's submission of a supplemental application: (1) There must be no changes from the conditions of the approved application except for a different and suitable proprietary name of the drug and the name and address of the distributor as used on the label and labeling; (2) a distributor's statement must be submitted to FDA; and (3) 12 copies of the printed labels and labeling to be used by the distributor must also be submitted.

In FDA's experience, virtually all distributor supplements have been approved without any significant problems. The distributor's labeling is almost always identical to the approved labeling of the NDA holder, except for the trade name of the product and the distributor's name. Because of this, and the fact that the current regulations already allow a distributor to market the product with its labeling in advance of approval, FDA has determined that it is both unnecessary and a waste of resources to require a supplemental application to be submitted for the addition of a distributor.

Accordingly, FDA is amending its supplemental application procedures by eliminating this requirement. Instead, information relating to a new distributor is required in the next periodic report submitted by the NDA holder. This action will reduce the number of supplemental applications that are submitted by holders of approved new drug applications and reviewed by the agency. In keeping with existing policy, notification of the removal of a distributor is not required.

To implement this change FDA is (1) deleting § 314.8(a)(6) which currently requires a supplemental application to be submitted for a new distributor and (2) amending § 314.8(a)(5), so that addition of a new distributor is among the types of changes to approved new

drug applications that may be placed in effect without the approval or submission of a supplemental application if the changes are fully described in the next periodic report. To make it clear that the amendment would affect only those supplements that are now required for persons or firms whose operation is limited to distributing the drug product, and not for persons or firms who repackage or relabel as well as distribute the drug product, the existing definition of distributor is included in the revised section.

FDA is amending § 314.8(a)(5) to specify the information that must be included in the next periodic report, that is, the name of each person or firm that has been added as a distributor since the last periodic report and two copies of the new distributor's label showing the drug product's trade and established names, and its strength and dosage form. If a drug product is distributed in a strength other than the one shown on the submitted label, the report must also specify the additional strength.

FDA has determined that it is unnecessary for the periodic report to contain the distributor's commitment to distribute the drug only under the labeling provided for in the approved new drug application, information that has been required to be contained in distributor supplements. FDA recommends, however, that NDA holders inform distributors that their products will be subject to regulatory action if their labeling is different from the approved labeling in the NDA (except for differences in a drug product's trade name or in distributors' names). In addition, to make distributors aware of their responsibility under § 310.300 for maintaining records and submitting reports if they are not submitted by another person responsible for reporting, FDA recommends that the NDA holder inform distributors of this responsibility.

FDA advises that those supplemental applications to provide for a change in distributors which are on file by FDA on the effective date of this regulation, but which have not been acted on by that date, will be returned to the applicants who submitted them. The applicants will be required to include the information about these distributors in their next periodic report.

FDA also advises that a new distributor is required under §§ 207.20 and 207.21 (21 CFR 207.20, 207.21) to list its product either at the time of marketing or no later than the reporting dates as specified in these sections.

The agency has determined pursuant to 21 CFR 25.24(b)(12) and (16) (proposed December 11, 1979; 44 FR

71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 301, 502, 505, 701(a), 52 Stat. 1042-1043 as amended, 1049-1053 as amended, 1055 (21 U.S.C. 331, 352, 355, 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 314.8 is amended by revising paragraph (a)(5)(xiv) to read as follows and by removing paragraph (a)(6):

§ 314.8 Supplemental applications.

(a) * * *

(5) * * *

(xiv) Change in distributor. The report or written communication shall contain the names of all new distributors that have been added since the last periodic report. Each copy of the report shall contain two copies of the new distributor's printed label showing the drug product's trade and established name, and its strength and dosage form. If a drug product is also distributed in a strength other than the one shown on the submitted label the report shall specify the additional strength. This section applies only if the new distributor's labeling is the same as the labeling provided for in the approved new drug application, except for the trade name of the drug product and the distributor's name. If there are further deviations from the labeling provided for in the approved new drug application, the provisions of paragraph (a)(1) through (4) of this section apply. "Distributor", as used in this section, means the person or firm whose name appears on the label of the drug product as its distributor, but does not include a person or firm who, in addition to distributing the drug product, also repackages or relabels it. For purposes of maintaining records and submitting reports under the requirements of § 310.300 or § 310.302 of this chapter, a distributor as used in this section shall be considered an "applicant" within the meaning of § 310.300(g) of this chapter.

This amendment relaxes an unnecessary burden in the new drug application approval process, eliminates the requirement for drug firms to submit distributor supplements, and imposes no new significant burden on any individual. At the same time, this amendment will not affect FDA's surveillance of new distributors' labeling, because information concerning changes in distributors will

be submitted in the periodic reports. For these reasons FDA finds that there is good cause for publishing this regulation without notice and public procedure, and for making the amendment effective on June 19, 1981. However, interested persons may, on or before July 20, 1981, submit written comments on the final rule to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. The comments will be considered in determining whether amendment of the final rule is warranted. Four copies of all comments are to be submitted except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with Executive Order 12291, the economic effects of this final rule have been carefully analyzed, and it has been determined that the rule is not a major rule under the criteria in the Executive Order. A copy of the regulatory impact analysis assessment supporting this determination is on file with the Dockets Management Branch, Food and Drug Administration.

Effective date. This regulation shall become effective June 19, 1981.

(Secs. 301, 502, 505, 701(a), 52 Stat. 1042-1043 as amended, 1049-1053 as amended, 1055 (21 U.S.C. 331, 352, 355, 371(a)))

Dated: May 28, 1981.

Arthur Hull Hayes, Jr.,
Commissioner of Food and Drugs.

[FR Doc. 81-17923 Filed 6-18-81; 8:43 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Fenbendazole; Animal Drug Application

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Hoechst-Roussel Pharmaceuticals, Inc., providing for safe and effective use of a fenbendazole paste as an equine anthelmintic.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Hoechst-Roussel Pharmaceuticals, Inc., Rte. 202-206 N., Somerville, NJ 08876, filed an NADA (120-648) providing for safe and effective use of a 10 percent fenbendazole paste as an equine anthelmintic for the control of large strongyles, small strongyles, pinworms, and ascarids. The product is for oral, over-the-counter use for the treatment of adult horses, foals, and weanlings. The NADA is approved and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.905c, to read as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

§ 520.905c Fenbendazole paste.

(a) *Specifications.* The product is an aqueous paste containing 10 percent fenbendazole.

(b) *Sponsor.* See No. 000039 in § 510.600(c) of this chapter.

(c) *Conditions of use.*—(1) *Amount.* 2.3 milligrams per pound of body weight (one 2.5-gram fenbendazole syringe for a 1,100-pound horse). For foals and weanlings (less than 18 months of age), one syringe for each 550 pounds of body weight.

(2) *Indications for use.* For control of large strongyles (*Strongylus edentatus*, *S. equinus*, *S. vulgaris*), small strongyles, pinworms (*Oxyuris equi*), and ascarids (*Parascaris equorum*) in horses.

(3) *Limitations.* Retreatment at intervals of 6 to 8 weeks may be required. Do not use in horses intended for food. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. June 19, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 12, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18047 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

Hygromycin B; Animal Drug Application

AGENCY: Food and Drug Administration.
ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Quali-Tech Products, Inc., providing for use of 1.2- and 2.4-gram-per-pound hygromycin B premix levels for making complete swine feeds for control of large roundworm, nodular worm, and whipworm infections.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT:

Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Quali-Tech Products, Inc., 318 Lake Hazeltine Dr., Chaska, MN 55318, is the sponsor of NADA (110-440) providing for use of 1.2- and 2.4-gram-per-pound hygromycin B premix levels for making complete swine feeds. The complete feed is used as an aid in the control of large roundworm, nodular worm, and whipworm infections. The NADA, filed by Elanco Products Co. in behalf of the sponsor, is based on safety and effectiveness data contained in Elanco's approved NADA 10-918. Use of the data in NADA 10-918 to support this application has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of the NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the

drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (December 23, 1977; 42 FR 64367), approval of NADA 110-440 does not require reevaluation of the safety and effectiveness data in NADA 10-918. NADA 110-440 is approved, and the regulations are amended to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) (formerly 21 CFR 5.1; see 46 FR 26052; May 11, 1981) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.274 is amended by revising paragraph (a)(2), adding new paragraph (a)(3) and revising paragraph (e)(1)(ii), to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.274 Hygromycin B.

(a) * * *

(2) Premix levels of 2.4 grams per pound granted to sponsors 043733, 011490, and 016968 in § 510.600(c) of this chapter for use in swine as in paragraph (e)(1)(ii) of this section.

(3) Premix level of 1.2 grams per pound granted to sponsor 016968 in § 510.600(c) of this chapter for use in swine as in paragraph (e)(1)(ii) of this section.

* * *

(e) * * *

(1) * * *

Hygromycin B in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
(a) 12		Swine: Control of infestation of large roundworms (<i>Ascaris suum</i>), nodular worms (<i>Oesophagostomum dentatum</i>), and whipworms (<i>Trichuris suis</i>).	Withdraw 15 days before slaughter.	000886, 043733, 011490, 016968.

Effective date. This amendment is effective June 19, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 12, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-18048 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for use in Animal Feeds; Decoquinat

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Hess & Clark, Inc., providing for deletion of the present requirements that complete cattle feeds containing decoquinat be consumed within 7 days of manufacture and that cattle supplements containing decoquinat be consumed within 2 months of manufacture.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT:

Adriano R. Gabuten, Bureau of Veterinary Medicine (HFV-149), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4913.

SUPPLEMENTARY INFORMATION: Hess and Clark, Inc., Seventh and Orange Sts., Ashland, OH 44805, filed a supplemental NADA (39-417) providing for deletion of the present stability requirement concerning complete feeds and feed supplements containing decoquinat for use in cattle. The requirement provides that such complete feeds should be consumed within 7 days of manufacture and that such supplements should be consumed within 2 months of manufacture. The firm has submitted new stability data that justify deletion of time restrictions. The supplemental application is approved and the regulations are amended to delete the present subject restrictions.

This approval does not change the approved dosage and remaining

conditions of use of the drug and does not increase the human risk of exposure to residues of the drug in edible tissue. Consequently, approval of this application does not require reevaluation of the safety and effectiveness under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367, December 23, 1977).

A summary of safety and effectiveness data and information submitted to support approval of this application is not, in the agency's opinion, required to accompany the publication of this approval.

The agency has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section (1)(a)(1) of the Order.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.195 *Decoquinat* is amended in paragraph (g)(2) by removing from the table under the "Limitations" column the last sentence "Complete feed should be consumed within 7 days of manufacture, supplements within 2 months."

Effective date. This amendment is effective June 19, 1981.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 12, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-18049 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Exempt Chemical Preparations

AGENCY: Drug Enforcement Administration.

ACTION: Final rule.

SUMMARY: By this rule, the below listed chemical preparations and mixtures which contain controlled substances have, as indicated, either been added to or deleted from the list of exempt chemical preparations set forth in Title 21, Code of Federal Regulations, § 1308.24. Those which are included in the list are exempted from the application of various provisions of the Comprehensive Drug Abuse Prevention and Control Act of 1970, and from certain Drug Enforcement Administration regulations. This action is in response to DEA's periodic review of the exempt chemical preparation list and of applications for exemptions filed with DEA, and is consistent with the needs of researchers, chemical analysts, and suppliers of these products.

DATES: This rule is effective August 18, 1981, subject to being suspended, reinstated, revoked or amended by the Administrator upon consideration of any comments or objections timely filed on or before August 18, 1981, which raise significant issues on any finding of fact or conclusion of law supporting this rule.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division; telephone (202) 633-1366.

SUPPLEMENTARY INFORMATION: The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations (CFR) which ask that several chemical preparations containing controlled substances be granted the exemptions provided for in 21 CFR 1308.24.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to man or animal, and either (a) contains no narcotic controlled substances and is packaged in such a form or concentration that the packaged quantity does not present any significant potential for abuse, (b) contains either a narcotic or non-narcotic controlled

substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion, or concentration, that the preparation or mixture does not present any potential for abuse, or (c) the formulation of such preparation or mixture incorporates methods of denaturing or other means so that the controlled substance cannot in practice be removed, and therefore the preparation or mixture does not present any significant potential for abuse. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of

researchers, chemical analysts and suppliers of these products.

Pursuant to Sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12991, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant negative impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The addition of preparations to the list of exempt chemical preparations has the effect of exempting them from sections of the Controlled Substances

Act of 1970 and regulations. Those preparations deleted from the list are no longer marketed.

Therefore, pursuant to the Act, the regulations of the Department of Justice and the Drug Enforcement Administration, the Administrator of the Drug Enforcement Administration hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as hereinafter appears.

(Secs. 201, 202, 501(b), Controlled Substances Act, 21 U.S.C. 811, 812, 871(b))

Dated: June 15, 1981.

Peter B. Bensinger,
Administrator.

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

a. Section 1308.24(i) is amended by removing the following portion of the table:

§ 1308.24 [Amended]

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
General Diagnostics, Division of Warner-Lambert Research Triangle Institute	Owen's Veronal Buffer Kit for Radioimmunoassay of delta-9 THC	Glass bottle: 37 ml Kit containing: 20 1-ml vials; 2 20-ml vials; 2 250-ml vials	May 17, 1980 June 27, 1980
Sigma Chemical Co.	Buffer Diluent Stock No. 880-3	Vial: 20 ml	July 11, 1980
Technicon	TQC T.D.M. Control A, No. T13-115	Glass vial: 15ml	Jan. 31, 1980
Technicon	TQC T.D.M. Calibrator I	do	Do
Technicon	Control I, No. T13-1115	do	Do
Technicon	Calibrator I, No. T13-1150	do	Do

b. Section 1308.24(i) is amended by amending the table in paragraph (i) by adding the following:

Manufacturer or supplier	Product name and supplier's catalog No.	Form of product	Date of application
American Hospital Supply Corp. (Dade Division)	Interlab QAP Chemistry Control Level I	Vial: 10 ml—50 vials/kit	Jan. 7, 1981
American Hospital Supply Corp. (Dade Division)	Interlab QAP Chemistry Control Level II	do	Do
Analytical Systems, Inc.	Toxi-Grams C	Bottle containing: 50 Strips	Sept. 24, 1980
Beckman Instruments, Inc. (Diagnostic Operations)	RiAphase T ₁ Uptake	Kit: 250 tubes; 100 tubes; 50 tubes	Aug. 26, 1980
Beckman Instruments, Inc. (Diagnostic Operations)	T ₁ Uptake	Vial: 125 ml; 25 ml	Do
Beckman Instruments, Inc. (Diagnostic Operations)	T ₁ Uptake Adsorbent	do	Do
Beckman Instruments, Inc. Clinical Instruments Division	Beckman ICS Drug Control Sera	Kit containing: 6-1 ml bottles	Nov. 11, 1980
General Diagnostics Division of Warner-Lambert	Owen's Veronal Buffer for FIBRIQUIN	Glass bottle: 37 ml	May 7, 1980
General Diagnostics Division of Warner-Lambert	PROFILE Anticonvulsant Level I	Vial: 10 ml	Nov. 26, 1980
General Diagnostics Division of Warner-Lambert	PROFILE Anticonvulsant Level II	do	Do
Miles Labs, Inc.	Clinistat Calibrator Nos. 1 and 2	Vial: 1 ml	Dec. 19, 1980
Miles Labs, Inc.	Clinistat Control B, C, D and E	do	Do
Millipore Corp.	Immunozyme T4 Reagent Set: DR0083100	Kit: 50 Tests	Oct. 8, 1980
Research Triangle Institute	Tritium Kit for Radioimmunoassay of delta-9 THC	Kit containing: 20 1 ml vials; 2 20 ml vials; 2 250 ml vials	June 27, 1980
Research Triangle Institute	Iodine Kit for Radioimmunoassay of delta-9 THC	Kit containing: 20 1 ml vials; 2 20 ml vials; 2 250 ml vials	Oct. 20, 1980
Sigma Chemical Co.	Barbital Buffer with Albumin Stock No. 880-3	Vial: 20 ml	July 11, 1980
E. R. Squibb & Sons, Inc.	Estriol Premix	Plastic bottle: 125 ml	Sept. 10, 1980
E. R. Squibb & Sons, Inc.	Estriol Antiserum (Rabbit)	Plastic bottle: 65 ml	Do
E. R. Squibb & Sons, Inc.	T3 Antiserum List No. G8220	Vial: 16 ml	Dec. 23, 1980
E. R. Squibb & Sons, Inc.	¹²⁵ I Triliodothyronine list No. G8220	do	Do
Syva Co.	Emit-st Oplate Assay	Vial: 3 ml 80 vials/kit	Oct. 3, 1980
Syva Co.	Emit-st Urine Calibrator	Vial: 1 ml 3 vials/kit	Do
Syva Co.	Emit-st Urine Controls	Vial: 1 ml 6 vials/kit	Do
Syva Co.	Emit-st Amphetamine Assay	Vial: 3 ml 80 vials/kit	Do
Syva Co.	Emit-st Barbiturate Assay	Vial: 3 ml 80 vials/kit	Do
Syva Co.	Emit-st Benzodiazepine Assay	Vial: 3 ml 80 vials/kit	Do
Syva Co.	Emit-st Phencyclidine Assay	Vial: 3 ml 40 vials/kit	Jan. 7, 1981
Technicon	TQC T.D.M. Control A, No. T13-1115	Glass Vial: 15 ml	Jan. 31, 1980
Technicon	TQC T.D.M. Calibrator 1, No. T13-1150	do	Do
THETA Corp.	FP 207	Vial: 2 ml	Sept. 4, 1980

Federal Bureau of Investigation

28 CFR Part 16

Production or Disclosure of Material or Information

AGENCY: Department of Justice, Federal Bureau of Investigation.

ACTION: Final rule.

SUMMARY: This directive changes the delegation of authority to deny requests under the Freedom of Information Act and the Privacy Act of 1974 from the occupant of the position of Chief, Freedom of Information-Privacy Acts Branch, Records Management Division, Federal Bureau of Investigation, to the occupant of the position of Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT:

James K. Hall, Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation, J. Edgar Hoover Building, Washington, D.C. 20535 (202-324-5520).

Part 16, Title 28 of the Code of Federal Regulations is amended by revising the Appendix to Subpart A to read as follows:

Appendix to Subpart A—Delegation of Authority

1. By virtue of the authority vested in me by Section 10.5(b) of Title 28 of the Code of Federal Regulations, the authority to deny requests under the Freedom of Information Act is delegated to the occupant of the position of Chief, Freedom of Information-Privacy Acts Section, Records Management Division, Federal Bureau of Investigation. This same authority is delegated to the occupant of the position of Special Agent in Charge of each of the field offices of the Federal Bureau of Investigation for records in their custody and control.

2. This directive is effective June 9, 1981.

Dated: June 9, 1981.

William H. Webster,

Director, Federal Bureau of Investigation.

[FR Doc. 81-18052 Filed 6-17-81; 8:45 am]

BILLING CODE 4410-02-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910 and 1928

Occupational Exposure to Benzene; Occupational Exposure to Cotton Dust in Cotton Gins

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Deletion of rules vacated by court decision.

SUMMARY: The final standards for occupational exposure to benzene, § 1910.1028, and occupational exposure to cotton dust in cotton gins, § 1910.1046 and § 1928.113 were vacated by the Court of Appeals for the Fifth Circuit. In accordance with the Court's decisions, the standards are being removed from Title 29 of the Code of Federal Regulations.

EFFECTIVE DATE: The deletions are effective on June 19, 1981.

FOR FURTHER INFORMATION CONTACT:

Mr. James Foster, Room N3641, Office of Public Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION:**I. Benzene**

The Occupational Safety and Health Administration (OSHA) published a final occupational health standard for exposure to benzene, 29 CFR 1910.1028, on February 10, 1978 at 43 FR 5963, as amended at 43 FR 27971 on June 27, 1978, and at 45 FR 35283 on May 23, 1980. The new regulation, if effective, would have replaced the existing permissible exposure level of 10 ppm as found in 29 CFR 1910.1000, Table Z-2. Within the 60-day period provided by section 6(f) of the Act, petitions for review were filed in the United States Court of Appeals for the Fifth Circuit challenging the validity of the new benzene standard. That Court, in *American Petroleum Institute v. OSHA*, 581 F. 2d 493 (5th Cir. 1978), held the regulation invalid.

The Secretary of Labor and the Industrial Union Department, AFL-CIO petitioned for, and the Supreme Court granted certiorari. On July 2, 1980, the

Supreme Court in *Industrial Union Department, AFL-CIO v. American Petroleum Institute, et al.*, 100 S. Ct. Rep. 2844 (1980), affirmed the judgment of the Court of Appeals for the Fifth Circuit invalidating the new benzene standard.

In accordance with the decisions of the Supreme Court and the U.S. Court of Appeals for the Fifth Circuit, the benzene standard codified at § 1910.1028 is deleted. In addition, § 1910.19(d), and footnote 1 to § 1910.1000 Table Z-2, which were added to the Code of Federal Regulations as part of the promulgation of § 1910.1028, are also deleted. The purpose of § 1910.19(d) was to make clear that the new benzene standard, § 1910.1028, applied to the construction and maritime industries. The footnote that was added to Table Z-2 of § 1910.1000 provided that benzene exposures exempted from coverage under § 1910.1028 would still be covered by the exposure and other requirements of § 1910.1000.

It is noted that the permissible exposure limits for benzene contained in Table Z-2 of § 1910.1000 and the other relevant requirements of that section continue in effect. As discussed in the preamble to the final benzene standard, 29 CFR 1910.1000, Table Z-2 was intended to continue to apply until § 1910.1028 took effect. Since § 1910.1028 has been vacated, § 1910.1000 is the applicable occupational health standard for exposure to benzene.

II. Cotton Dust in Cotton Gins

OSHA published a final occupational health standard for exposure to cotton dust in cotton gins, codified both at 29 CFR 1910.1046 and 29 CFR 1928.113, on June 23 (43 FR 27434) and on June 30, 1978 (43 FR 28474). The standard was amended on May 23, 1980 at 45 FR 35283. Within the 60-day period provided by section 6(f) of the Act, a petition for review was filed in the United States Court of Appeals for the Fifth Circuit challenging the validity of the standard. That Court, in *Texas Independent Ginners Ass'n. v. Marshall*, 630 F. 2d 398 (5th Cir. 1980), vacated the standard.

In accordance with the decision of the U.S. Court of Appeals for the Fifth Circuit, § 1910.1046 and § 1928.113 are deleted in their entirety.

Accordingly, pursuant to sections 6 and 8(g) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600, 29 U.S.C. 655, 657), Secretary of Labor's Order No. 8-76 (41 FR 25059), and 29 CFR Part 1911, Parts 1910 and 1928 of Title 29, Code of Federal Regulations are amended as follows:

§ 1910.19 [Amended]

1. Paragraph (d) of § 1910.19 is removed.

§ 1910.1000 [Amended]

2. Footnote 1 to Table Z-2, § 1910.1000 is removed.

§ 1910.1028 [Removed]

3. Section 1910.1028 is removed.

§ 1910.1046 [Removed]

4. Section 1910.1046 is removed.

§ 1928.113 [Removed]

5. Section 1928.113 is removed.

Signed at Washington, D.C. this 11th day of June 1981.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 81-16295 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-26-M

29 CFR Part 1952

Approval of Supplements to Arizona State Plan; Correction

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Final rule; correction.

SUMMARY: This document corrects a technical error which appeared in FR Doc. 80-36464 published at 45 FR 77000 on Friday, November 21, 1980. That document incorrectly codified two supplements under the wrong section. This document deletes paragraphs (i) and (j) of § 1952.350, "Description of plan" of Part 1952 of this chapter and adds them to § 1952.354, "Completed developmental steps."

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Marjorie N. Sauber, Telephone 202 523-6021.

Part 1952 of Title 29, Code of Federal Regulations is amended as follows:

§ 1952.350 [Amended]

1. Paragraphs (i) and (j) of § 1952.350 are removed.

2. Section 1952.354 is amended by adding paragraphs (i) and (j) as follows:

§ 1952.354 Completed developmental steps.

(i) Regulations concerning variances

were promulgated on November 16, 1977, and were approved by the Assistant Secretary on November 13, 1980.

(j) Regulations concerning discrimination complaints were promulgated on September 22, 1977, and were approved by the Assistant Secretary on November 13, 1980.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Washington, D.C. this 15th day of June 1981.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 81-18313 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-26-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2610

Valuation of Plan Benefits in Non-Multiemployer Plans; Correction

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule; correction.

SUMMARY: This document corrects the final rule on the valuation of benefits in non-multiemployer pension plans which appeared on page 9492 of the *Federal Register* of January 28, 1981 (46 FR 9492). This action is necessary to correct the actuarial formula for an annuity certain and joint and survivor (contingent basis) thereafter, set forth in § 2610.44(l), the actuarial equation for a death benefit in the form of term insurance decreasing annually set forth in § 2610.47(d), and the actuarial expression for a death benefit in the form of term insurance decreasing periodically set forth in § 2610.47(e).

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT:

Nina R. Hawes, Staff Attorney, Office of the General Counsel, Suite 7200, 2020 K Street, N.W., Washington, D.C. 20006, (202) 254-3010.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

The following corrections are made in FR Doc. 81-2983 appearing at 9492 in the issue of January 28, 1981:

1. On page 9502, column two, § 2610.44(l) is corrected to read as follows:

§ 2610.44 Immediate Annuities.

(l) *Annuity certain and joint and survivor (contingent basis) thereafter.* An annuity certain and joint and survivor (contingent basis) thereafter is

an annuity that is payable in a certain amount until the later of (1) the death of the participant, or (2) the passage of a specified period of time, and payments continue in an equal or reduced amount for the life of the beneficiary. The plan administrator shall compute the value of this annuity using the following actuarial expression:

$$\ddot{a}_{\overline{n}|}^{(m)} + \frac{N_{x+n}^{(m)}}{D_x} + p \left(\frac{N_{y+n}^{(m)}}{D_y} - \frac{N_{x+n:y+n}^{(m)}}{D_{x:y}} \right)$$

2. On page 9503, column three, §§ 2610.47(d) and 2610.47(e) are corrected to read as follows:

§ 2610.47 Death benefits.

(d) *Death benefit in the form of term insurance decreasing annually.* A death benefit in the form of term insurance decreasing annually is a benefit which is payable at death, if death occurs within a stated period of time. It is based upon an initial amount, n , if death occurs at the beginning of the covered period. The amount, n , decreases each year during the covered period. The plan administrator shall compute the value of this benefit using the following actuarial equation:

$$(D\bar{A})_{x:\overline{n}|} = \frac{n\bar{M}_x - \bar{R}_{x+1} + \bar{R}_{x+n+1}}{D_x}$$

(e) *Death benefit in the form of term insurance decreasing periodically.* A death benefit in the form of term insurance decreasing periodically is a benefit in an initial amount of $n-1/m$, which is payable at death, if death occurs within a stated period of time. This amount decreases by $1/m$, m times each year during the covered period. The plan administrator shall compute the value of this benefit by using the following actuarial expression:

$$\frac{n\bar{M}_x - \bar{R}_{x+1} + \bar{R}_{x+n+1} - \frac{n+1}{2m}(\bar{M}_x - \bar{M}_{x+n})}{D_x}$$

(Secs. 4002(b)(3), 4041, 4044, and 4062(b)(1)(A), Pub. L. 93-406, 88 Stat. 1004, 1020, 1025-27, 1029, (1974), as amended by Secs. 403(l), 403(d), and 402(a)(7), Pub. L. 96-364, 94 Stat. 1302, 1301, 1299 (1980) (29 U.S.C. 1302, 1341, 1344, and 1362))

[FR Doc. 81-18264 Filed 6-18-81; 8:45 am]

BILLING CODE 7708-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) Has determined that USNS SIOUX (T-ATF 171) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with Annex I, section 2(f) of the 72 COLREGS without interfering with its special function as a Naval fleet tug, and (2) has found that USNS SIOUX (T-ATF 171) is a member of the T-ATF 166 Class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rules 38(a), 38(b), and 38(d)(i). The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: May 14, 1981.

FOR FURTHER INFORMATION CONTACT:

Captain Richard J. McCarthy, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia 22332, Telephone number: (202) 325-9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605 and Executive Order 11964, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USNS SIOUX (T-ATF 171) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS Annex I, section 2(f), in that, during those situations when the USNS SIOUX must simultaneously display masthead lights used for towing as required by Rule 24 and the task lights of a vessel restricted in its ability to maneuver as required by Rule 27, the masthead lights used for towing will not be located above and clear of the task lights. Full compliance with this provision would interfere with the special function of the ship. The Secretary of the Navy has also certified that the aforementioned masthead lights are located in closest possible compliance with the applicable 72 COLREGS requirement.

Notice is also provided to the effect that the Secretary of the Navy has previously authorized the use by T-ATF 166 Class of vessels of certain exemptions permitted by 72 COLREGS Rule 38. Specifically, the use of the exemptions has been authorized as allowed in Rule 38(a), pertaining to lights with ranges and intensities prescribed in Rule 22, Rule 38(b), pertaining to lights with color specifications prescribed in Annex I, section 7; and Rule 38(d)(i), pertaining to the repositioning of masthead lights on vessels less than 150 meters in length required by Annex I, Section 3(a).

The Secretary of the Navy has determined that USNS SIOUX is a member of the T-ATF 166 Class, is in compliance with the 1960 Rules of the Road, and the keel of the T-ATF 166 Class lead ship was laid prior to July 15, 1977.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to the public interest since it is based on technical findings that the placement of lights on this ship in a manner different from that prescribed herein will adversely affect the ship's ability to perform its military function.

Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table Four of § 706.2 is amended by revising the present two notes numbered 14 and adding the following notes numbered 15 and 16, which reflects the certifications issued by the Secretary of the Navy:

14. On USS BIDDLE the arc of visibility of the forward masthead light may be observed through 1.4 degree of arcs of visibility at 017 and 343 degrees relative to ship's head.

15. On USNS MOHAWK (T-ATF 170), the masthead lights used for towing required by Rule 24 will be displayed approximately 4.1 meters below the lowest of the lights required to be displayed by Rule 27 when a vessel is not under command or is restricted in its ability to maneuver.

16. On USNS SIOUX (T-ATF 171), the masthead lights used for towing required by Rule 24 will be displayed approximately 4.1 meters below the lowest of the lights required to be displayed by Rule 27 when a vessel is not under command or is restricted in its ability to maneuver.

Dated: May 14, 1981.

John Lehman,
Secretary of the Navy.

[FR Doc. 81-18257 Filed 6-18-81; 8:45 am]

BILLING CODE 3810-70-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Veterans Education; Payment of Educational Assistance Allowance To Participate in the Veterans' Educational Assistance Program on Active Duty

AGENCY: Veterans Administration and Department of Defense.

ACTION: Final regulations.

SUMMARY: These regulations, issued jointly by the Veterans Administration and the Department of Defense, make clear that the regulation requiring GI Bill benefits to be paid to servicepersons in lump sums covering entire enrollment periods does not generally apply to servicepersons receiving benefits under the Post-Vietnam Era Veterans' Educational Assistance Program. They also set forth the procedures which apply to making advance payments to recipients of benefits under that program. Recently, the fact that the regulations were not clear has caused confusion among recipients of benefits. These regulations eliminate this confusion.

EFFECTIVE DATE: May 27, 1981.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, Washington DC 20420 (202-389-2092).

SUPPLEMENTARY INFORMATION: On December 9, 1980 proposed amendments to 38 CFR 21.5130, 21.5135 and 21.5138 were published on pages 81068 and 81069 of the Federal Register.

Interested persons were given 30 days to submit comments, suggestions or objections. We received no comments or objections.

However, § 21.5135(c) as originally proposed contained a reference to PREP (PredischARGE Education Program). PREP was recently canceled by law.

Accordingly, we have rewritten § 21.5135(c) to eliminate the reference.

The Agency has determined that this proposed regulation is non-major in accordance with the requirements of Executive Order 12291, Federal Regulation. It has also been determined as required by the Regulatory Flexibility Act (Pub. L. 96-354) that it poses no compliance costs or reporting burdens upon the public and has no effect on businesses or State and local governments.

The proposed amendments to §§ 21.5130, 21.5135 and 21.5138 are deemed proper and are hereby adopted.

Approved: April 8, 1981.

Rufus H. Wilson,

Acting Administrator, Veterans Administration.

Approved: May 27, 1981.

Douglas Farbrother,

Acting Deputy Assistant Secretary of Defense (Program Management).

1. In § 21.5130, paragraphs (c) and (e) are revised to read as follows:

§ 21.5130 Payments—educational assistance allowance.

In administering benefits payable under chapter 32, title 38, United States Code, the Veterans Administration will apply the following sections in the same manner as they are applied in the administration of chapters 34 and 36.

(c) Section 21.4134—Suspension and discontinuance.

(e) Section 21.4138 (except paragraphs (a), (b), and (c)—Certifications and release of payments. (38 U.S.C. 1641)

2. Section 21.5135 is added to read as follows:

§ 21.5135 Advance payments.

The Veterans Administration shall make advance payments of educational assistance allowance at the rates determined by § 21.5138 as provided by this section.

(a) *Eligibility.* An individual is eligible for an advance payment only if—

(1) The individual will be a student in residence training on a half-time or greater basis during the period for which the advance payment is made;

(2) The individual specifically requests an advance payment; and

(3) The educational institution at which the individual is accepted or enrolled agrees to, and can satisfactorily carry out, the provisions of 38 U.S.C. 1780(d)(5) (B) and (C) and (6), pertaining to—

(i) Receipt, delivery or return of advance checks, and

(ii) Certification of delivery and enrollment. (38 U.S.C. 1641, 1780(d))

(b) *Application.* The Veterans Administration will authorize an advance payment upon receipt of an application from an individual which in the case of an eligible serviceperson is endorsed by the educational institution. The application will contain a certification showing the following information:

(1) The individual is eligible for educational benefits;

(2) He or she has been accepted by the institution or is eligible to continue his or her training there;

(3) He or she has notified the institution of his or her intention to attend that institution;

(4) The number of credit, clock or Carnegie hours to be pursued by the individual; and

(5) The beginning and ending dates of the enrollment period. (38 U.S.C. 1641, 1780(d))

(c) *Secondary school certification.* In addition to the information required in paragraph (b) of this section, an enrollment certificate for an individual on active duty in a course, courses, or program of education leading to a secondary school diploma or an equivalence certificate shall specify—

(1) The program to be pursued is approved;

(2) The anticipated cost; and

(3) If the program to be pursued is other than a high school credit course, the need of the individual to pursue the course or courses. (38 U.S.C. 1641, 1780(d))

(d) *Amount of payment.* The amount of an advance payment shall not exceed the allowance for the month or fraction of a month in which the course will begin plus the allowance for the following month. (38 U.S.C. 1641, 1780(d))

(e) *Method of payment.* The Veterans Administration shall make the advance payment check payable to the individual. The Veterans Administration shall mail the advance payment check to the individual's educational institution for delivery to the individual upon registration. The educational institution shall not deliver the advance payment check to the individual more than 30 days in advance of the commencement or resumption of his or her program. If the educational institution does not deliver the advance payment check to the individual within 30 days after he or she commences or resumes the program, the institution shall return the check to the Veterans Administration. (38 U.S.C. 1641, 1780(d))

(f) *Time of payment.* The Veterans Administration will authorize all advance payment only for—

(1) The beginning of an ordinary school year; or

(2) The beginning of any other enrollment period which begins after a break in enrollment of 1 full calendar month or longer. (38 U.S.C. 1641, 1780(d))

(g) *Effect of advance payment on subsequent payments.* The Veterans Administration shall make all other payments only at the end of the month in which the training for which payment

is made shall have occurred. (38 U.S.C. 1641, 1780(d))

(h) *Limitations on making advance payments.* Notwithstanding any other provision of this section, the Director of the field station of jurisdiction may direct that no advance payment be made to an individual, if the Director determines that the educational institution he or she is attending—

(1) Demonstrates an inability to comply with the provisions of paragraph (e) of this section;

(2) Fails to provide adequately for the safekeeping of advance payment checks prior to delivery to the student or return to the Veterans Administration; or

(3) Demonstrates an inability to discharge its responsibilities under the advance payment program. (38 U.S.C. 1641, 1780(d))

3. In § 21.5138(b), a new subparagraph (8) is added and the former subparagraphs (8), (9), (10) and (11) are redesignated (9), (10), (11) and (12) and paragraph (c) is revised so that the added and revised material reads as follows:

§ 21.5138 Computation of benefit payments and monthly rates.

(b) *Computation of benefit payment.* The Veterans Administration will compute benefit payments for all training except the Predischarge Education Program as follows:

(8) Multiply line f by line j. Enter the result—(k)_____

(9) Enter the individual's remaining months of entitlement—(l)_____

(10) Divide line k by line l. Enter the quotient—(13)_____

(This is the Department of Defense's portion.)

(11) Total (add lines 11, 12 and 13)—(14)_____

(12) The benefit payment is either—

(i) The amount shown on line 14 or
(ii) The total amount of the remaining contributions in the fund made by the individual and the Veterans Administration and Secretary of Defense on behalf of the individual, whichever is less. (38 U.S.C. 1631)

(c) *Monthly rates.* The Veterans Administration will compute the monthly rates of payment for individuals in residence training by repeating the calculations in paragraph (b)(1) through (17) of this section except that instead of entering the entitlement factor on line f, paragraph (b)(1), the Veterans Administration will enter 1 for a full-time student, .75 for a three-quarter time student, .5 for a half-time student, or .25

for a one-quarter time student. (38 U.S.C. 1631)

[FR Doc. 81-18239 Filed 6-18-81; 8:45 am]
BILLING CODE 8320-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 6)]

Rail General Exemption Authority; Citrus Pomace

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; notice of exemption.

SUMMARY: In response to a petition filed by Family Lines Rail System, the Commission has decided to exercise its authority under 49 U.S.C. § 10505 and exempt citrus pomace (STCC No. 20-421-27) from regulation. The exemption will permit rail carriers to compete more effectively for this traffic.

DATES: Effective date: August 3, 1981.
Comment date: July 9, 1981.

ADDRESS: An original and 15 copies of comments should be sent to: Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Family Lines Rail System (FLRS) on April 14, 1981 filed a petition¹ requesting that the Commission exercise its authority under 49 U.S.C. 10505 and exempt interstate rail transportation of citrus pomace (STCC No. 20-421-27)² from regulation.

FLRS' petition discusses rail movements of this commodity from Florida. The evidence shows that, from October 1979 through September 1980, citrus pomace traffic originating in Florida was handled almost entirely by motor and rail carriers. (A minimal amount moved in truck/barge combination.) Of the tonnage handled,

approximately two-thirds moved by motor carrier (729,920 tons) and about one-third by rail (359,579 tons). These proportions represent the culmination of a recent trend. Since 1976, rail tonnages have decreased almost 40 percent while motor carrier tonnages have increased nearly 95 percent.

FLRS contends that the existing rates on citrus pomace originating in Florida do not promote competition with motor carriers for at least two reasons. First, the involved transportation to the ports for export traffic (about 73 percent of total shipments) is over short distances.³ Second, the rates charged by rail carriers for this traffic exceed by over 50 percent those rates charged by motor carriers.⁴ Consequently, the lower rates charged for short distance movements by motor carriers give them a competitive advantage over rail carriers.

Although the petition is not restricted in scope, the evidence presented addresses only Florida traffic. We have undertaken our own analysis of nationwide movement of citrus pomace. The 1979 DOT 1% waybill study shows the following:

Year	Car-loads	Number of waybills	Tons	Description
1979	35	35	2789	All moves from FL to FL.
1978	59	56	4336	All moves from FL; 56 moves to FL, one move each to TN, VT, NY.
1977	75	72	5066	74 moves from FL, one move from TX; 72 moves to FL, 1 move each to GA, SC, TX.

The production of citrus fruits (and, thus, this by-product) is limited by climate. The evidence of Florida movements is representative as the waybill study shows that movements from Florida are clearly predominant.

49 U.S.C. 10505, as amended by the Staggers Rail Act of 1980 (Pub. L. 96-448) authorizes the Commission to exempt certain traffic from regulation when it determines that regulation is (1) not necessary to carry out the transportation policy enumerated in 49 U.S.C. 10101a and (2) either the service is of limited

scope, or abuses of market power are unlikely to occur.

It does not appear that regulation is needed to protect rail shippers of citrus pomace from market power abuse or to carry out the transportation policy of section 10101(a). As previously noted, rail carriers presently handle only one-third of citrus pomace movements originating in Florida. Motor carriers transport about twice that amount. Rail traffic is declining each year, due to the railroads' inability to compete effectively. Regulation in this competitive environment is not necessary. Increased intermodal competition through deregulation of rail citrus pomace movements would inure to the benefit of shippers through reduced rail rates and service improvements. The exemption also is clearly of limited scope. Of all carloads sampled in the 1979 waybill study (219,576), citrus pomace movements represented .16 percent.

The Staggers Act amended 49 U.S.C. 10505 to eliminate the requirement for a proceeding prior to granting exemptions in appropriate cases. This proposal, affecting an insignificant amount of rail traffic, is such a case and we are exercising our authority to make this exemption effective without further proceedings. However, we reiterate our willingness to review problems, if any, that develop, and reconsider the exemption. This procedure comports with Congress' intention in the legislative history of the Staggers Act that particular abuses of market power under an exemption will be reviewed by us and, if necessary, corrected after the fact.

§ 1039.10 [Amended]

49 CFR 1039.10 is amended by adding "Citrus pomace, 20-421-27" to the list of exempt commodities.

This action does not significantly affect either the quality of the human environment, conservation of energy resources, or small business.

(49 U.S.C. 10505, 5 U.S.C. 553.)

Dated: June 8, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-18312 Filed 6-18-81; 8:45 am]
BILLING CODE 7035-01-M

¹ FLRS is authorized to bring this petition pursuant to 49 U.S.C. 10505(b). We encouraged such petitions in Ex Parte No. 346 (Sub-No. 5), Rail General Exemption Authority—Miscellaneous Commodities, 46 FR 134, January 2, 1981.

² Citrus pomace is the residue remaining after the juice is extracted from the fruit. In some instances, liquid is then added and the pomace is pelletized. This produce is used primarily as an ingredient in animal feeds. Some citrus pomace is not pelletized.

³ The longest distance is 150.1 miles; the shortest is 21.9 miles.

⁴ Rail rates charged for citrus pomace are the same as those applicable to other types of feed or feed ingredients.

Proposed Rules

Federal Register

Vol. 46, No. 118

Friday, June 19, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 226

Child Care Food Program; Eligibility of Proprietary Title XX Centers

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Omnibus Reconciliation Act of 1980 expands institution eligibility for participation in the Child Care Food Program (CCFP) to include any private, for-profit organization "providing nonresidential day care services for which it receives compensation from amounts granted to the States under Title XX of the Social Security Act." This proposed rule implements the legislative provision, which affects approximately 1,860 proprietary centers currently providing nonresidential day care services under Title XX. The Department anticipates that this action will promote moderate Program expansion.

DATE: Comments must be received on or before August 17, 1981, to be assured of consideration in the final rulemaking.

ADDRESS: Written comments should be sent to Beverly Walstrom, Branch Chief, Policy and Program Development Branch, Child Care and Summer Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Walstrom at the above address or by telephone at (202) 447-6509. A Draft Impact Analysis Statement concerning this proposed rule and copies of all comments received will be available for inspection by the public during normal business hours in Room 644, 500 12th Street, SW, Washington, D.C. 20250. A copy of the Draft Impact Analysis Statement can be obtained from Ms. Walstrom.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under

USDA procedures established in Secretary's Memorandum 1955 and has been classified "not significant." G. William Hoagland, Administrator of the Food and Nutrition Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because its effect is simply to extend Program eligibility to encompass a limited number of proprietary Title XX centers. The Department does not consider this to be a "major rule" under the definition established in Executive Order 12291. The rule is expected to entail a Federal outlay of less than \$20 million in Fiscal Year 1982. It will not cause a major increase in costs or prices for any sector of the domestic economy, nor will it negatively affect the ability of United States-based enterprises to compete with foreign-based enterprises. A request for approval of the information collection included in this proposed rule has been submitted to the Director of the Office of Management and Budget (OMB).

Eligibility for Program Participation

Section 207 of Pub. L. 96-499 (The Omnibus Reconciliation Act of 1980) expanded the definition of "institution" to include any private for-profit organization "providing nonresidential day care services for which it receives compensation from amounts granted to the States under Title XX of the Social Security Act."

In this proposed rule, such organizations are referred to as "proprietary Title XX centers." A proprietary Title XX center is eligible to participate in the Program if, during the calendar month preceding the calendar month in which its initial Program application or annual reapplication is submitted, not less than 10 percent of the total meals served to children were served to Title XX beneficiaries. Upon application and annual reapplication, each such center is required (1) to provide documentation that it currently receives Title XX funds for providing nonresidential day care services, and (2) to certify that it met the 10 percent standard during the immediately preceding calendar month. Even though proprietary Title XX centers operate for profit, they, and sponsoring organizations in their behalf, are required by the National School Lunch

Act and Program regulations to operate nonprofit food service programs.

The 10-percent criterion extends Program eligibility only to those proprietary centers which are significantly involved in the provision of nonresidential Title XX day care services. This criterion discourages the redistribution of Title XX placements to make eligible for the Program a significant number of proprietary centers that do not presently provide Title XX care. Such a redistribution could expand eligibility and, consequently, Federal Program outlays considerably beyond the bounds assumed in the legislation. A correspondingly excessive increase in State agencies' workloads would also result.

Reimbursement and Recordkeeping Requirements

Each proprietary Title XX center is eligible for reimbursement under the proposed rule only for calendar months during which not less than 10 percent of the meals served to children are served to Title XX beneficiaries. The center will be reimbursed for meals served to all enrolled children in months when it meets the 10-percent criterion; reimbursement will not be payable for other months. In order to support claims for reimbursement, each center will be required to maintain daily records showing the number of meals of each type served to each individual child. These records, which can be readily maintained by entering daily meal counts on attendance sheets, provide the data base for the 10-percent test. The center will examine these records at the end of each month to determine whether it is eligible for reimbursement. The independent center will certify that each claim it submits covers a month during which the center met the 10-percent criterion. Sponsoring organizations of such centers will certify that all centers covered by the claim met the 10-percent requirement during the month. Meal count records may be examined during administrative reviews and audits to substantiate a center's eligibility to receive Program payments during any given month for which a claim has been submitted. This recordkeeping requirement can be easily met by entering meal counts on attendance record forms.

Sponsorship of Proprietary Title XX Centers

The Department is aware that many proprietary Title XX centers operate within multi-unit organizations rather than independently. A corporate entity frequently owns and operates several such centers. An organization consisting of more than two units is classified under the Program as a sponsoring organization with facilities under its jurisdiction. In order to accommodate existent structures of proprietary Title XX day care, this proposed rule permits a for-profit organization to sponsor the Program in proprietary Title XX centers which share its legal identity.

The Department believes, however, that it is in the best interest of the Program to maintain a separation between participating proprietary organizations, whose eligibility is based on receipt of Title XX funds, and public and private nonprofit institutions. In Section 17(a) of the National School Lunch Act, the definition of "institution" includes "public or nonprofit private organizations that sponsor family or group day care homes." Thus proprietary Title XX centers, and sponsoring organizations of such centers, are not eligible under the law to sponsor day care homes. This proposed rule also prohibits proprietary Title XX organizations from sponsoring public or private nonprofit centers under the Program.

State Agency Reporting

The proposed rule amends Section 226.6 to require that data on the participation of proprietary Title XX centers be included in the State Plan of Child Care Food Program Operations. Such data would enable the Department to track growth and other trends in this important new arena of Program operations. Instead of, or in addition to, using the State Plan, this information could be (1) reported as a separate line item (rather than mixed in with data on public and private nonprofit centers) on the Program operations report (FNS-44), or (2) collected through the Management Evaluation process. The Department solicits comments concerning which of these approaches would be most efficient and effective.

Effective Date

The Department is proposing that proprietary Title XX centers become eligible to participate in the Program effective the date of publication of the final rule. Beginning with this date, State agencies will furnish application materials to newly eligible centers upon request.

Current regulations require that State agencies notify applicants of approval or disapproval within 30 days of their filing a complete and correct application. If an institution submits an incomplete application, the State agency is required to notify the institution within 15 days of receipt of the application and to provide technical assistance, if necessary, to the institution for the purpose of completing the application.

These timeframes will facilitate timely entry of proprietary Title XX centers into the Child Care Food Program.

Accordingly, 7 CFR Part 226, Child Care Food Program, is proposed to be amended as follows:

1. Section 226.2 is amended by revising paragraphs (f), (hh), and (oo), and adding a new paragraph (kk-1), to read as follows:

§ 226.2 Definitions.

(f) "Child care center" means any public or private nonprofit organization, or any proprietary Title XX center, licensed or approved to provide non-residential child care services to enrolled children, primarily of preschool age, including but not limited to day care centers, settlement houses, neighborhood centers, Head Start centers, and organizations providing day care services for handicapped children. Child care centers may participate in the Program as independent centers or under the auspices of a sponsoring organization.

(hh) "Outside-school-hours care center" means a public or private nonprofit organization, or a proprietary Title XX center, licensed or approved to provide organized nonresidential child care services to enrolled children, primarily of school age, outside of school hours. Outside-school-hours care centers may participate in the Program as independent centers or under the auspices of a sponsoring organization.

(kk-1) "Proprietary Title XX center" means any private, for-profit center (1) providing nonresidential day care services for which it receives compensation from amounts granted to the States under Title XX of the Social Security Act, and (2) in which Title XX beneficiaries were served not less than 10 percent of all meals served to children during the calendar month preceding initial application or annual reapplication for Program participation.

(oo) "Sponsoring organization" means a public or nonprofit private organization which is entirely

responsible for the administration of the food program in: (1) One or more day care homes; (2) a child care center or outside-school-hours care center which is a legally distinct entity from the sponsoring organization; (3) two or more child care centers or outside-school-hours care centers; or (4) any combination of child care centers, day care homes, and outside-school-hours care centers. The term "sponsoring organization" also includes a for-profit organization which is entirely responsible for administration of the Program in any combination of two or more child care centers outside-school-hours care centers which are part of the same legal entity as the sponsoring organization, and which are proprietary Title XX centers.

2. Section 226.6 is amended by revising paragraphs (b)(2) and (b)(3) to read as follows:

§ 226.6 State plan of child care food program operations.

(2) The number of participating public or private nonprofit sponsoring organizations, and the number of child care centers, outside-school-hours care centers, and day care homes under their jurisdiction, together with the average daily attendance for each type of facility; and the number of for-profit sponsoring organizations and the number of proprietary Title XX centers participating under their jurisdiction as child care centers or outside-school-hours care centers, together with the average daily attendance for each type of facility.

(3) The number of participating independent public or private nonprofit child care centers and outside-school-hours care centers, the number of participating independent proprietary Title XX centers operating under the Program as child care centers and outside-school-hours care centers, and the average daily attendance for each category.

3. Section 226.7 is amended by revising paragraph (b) and adding a new paragraph (c)(11), to read as follows:

§ 226.7 State agency administrative responsibilities.

(b) *Application approval.* Each State agency shall establish an application procedure to determine the eligibility under this part of applicant institutions, and facilities for which applications are submitted by sponsoring organizations. State agencies, by written consent of the

State agency and the institutions, shall renew agreements with institutions not less frequently than annually. A State agency may not execute an agreement to be effective during two fiscal years, but may nevertheless establish an ongoing reapplication process for the purpose of reviewing and approving applications from participating institutions throughout the fiscal year. As a minimum, such application approval process shall include: (1) Renewal of the Program agreement; (2) except for sponsoring organizations of day care homes, submission of current family size and income information on enrolled children; (3) for sponsoring organizations of day care homes, submission of the current total number of children enrolled; (4) issuance of a nondiscrimination policy statement and media release; (5) for sponsoring organizations, submission of a management plan; (6) submission of an administrative budget; (7) submission of documentation that all child care centers, outside-school-hours care centers, and day care homes for which application is made are in compliance with Program licensing/approval provisions; (8) for proprietary Title XX centers, submission of documentation that they are currently providing nonresidential day care services for which they receive compensation under Title XX, and certification that not less than 10 percent of the meals served to enrolled children in each such center during the most recent calendar month were served to Title XX beneficiaries; (9) statement of institutional preference to receive commodities or cash in lieu of commodities; (10) except for sponsoring organizations of day care homes, institutional choice to receive reimbursement on the basis of either the tiering method or the alternative method offered by the State agency; and (11) institutional choice to receive all, part, or none of advance payment. Any institution applying for participation in the Program shall be notified of approval or disapproval by the State agency in writing within 30 calendar days of filing a complete and correct application. If an institution submits an incomplete application, the State agency shall notify the institution within 15 calendar days of receipt of the application and shall provide technical assistance, if necessary, to the institution for the purpose of completing its application. Any disapproved applicant shall be notified of its right to appeal under paragraph (j) of this section.

(c) *Denial of applications and termination of institutions.* * * *

(11) The claiming of Program payments for meals served by a proprietary Title XX center during a calendar month when less than 10 percent of all meals served to enrolled children were served to Title XX beneficiaries.

4. Section 226.11 is amended by revising paragraph (c) to read as follows:

§ 226.11 Program payment procedures.

(c) Claims for reimbursement shall be filed with the State agency by the 10th day of the month following the month covered by the claim. Not more than 10 days of the beginning or ending month of Program operations in a fiscal year may be combined on a claim with the operations of the month immediately following the beginning month or preceding the ending month. Claims for reimbursement may not combine the last month of a fiscal year with the first month of the next fiscal year. Claims for reimbursement shall report information in accordance with the financial management system established by the State agency, and in sufficient detail to justify the reimbursement claimed. In submitting a claim for reimbursement, each institution shall certify that the claim is correct and that records are available to support the claim. Independent proprietary Title XX centers shall certify that each claim submitted covers a month during which not less than 10 percent of all meals served to children were served to Title XX beneficiaries. Sponsoring organizations of such centers shall certify for each claim submitted that not less than 10 percent of the meals served to children in each individual center covered by the claim were served to Title XX beneficiaries. Records in support of claims shall be retained for a period of three years after the date of submission of the final claim for the fiscal year to which they pertain, except that if audit findings have not been resolved, the records shall be retained beyond the end of the three-year period as long as required for the resolution of the issues raised by the audit. All accounts and records pertaining to the Program shall be made available, upon request, to representatives of the State agency, of the Department, and of the U.S. General Accounting Office for audit or review, at a reasonable time and place.

5. Section 226.12 is amended by revising paragraphs (b) and (c), to read as follows:

§ 226.12 Program payments for child care centers and outside-school-hours care centers.

(b) Each institution shall report each month to the State agency the total number of meals, by type (breakfast, lunch, supper, supplements), served to children, except that such reports shall be made for a proprietary Title XX center only for calendar months during which not less than 10 percent of the meals served to children were served to Title XX beneficiaries.

(c) Each State agency shall base reimbursement to each institution on the number of meals, by type, served to children multiplied by the assigned rates of reimbursement, except that reimbursement shall be payable for proprietary Title XX centers only for calendar months during which not less than 10 percent of the meals served to children were served by each such center to Title XX beneficiaries. All meals served to children in proprietary Title XX centers during such months shall be reimbursable under the Program. For institutions which have elected to receive reimbursement on the basis of the eligibility of each enrolled child for free, reduced-price, or paid meals, the State agency shall either: (1) Base reimbursement to institutions on actual daily counts of meals served, and multiply the number of meals, by type, served to children from families meeting the State's family-size income standards for free meals, served to children from families meeting the State's family-size income standards for reduced-price meals, and served to children from families not meeting such standards by the applicable national average payment rate, or (2) apply the applicable claiming percentage or percentages to the total number of meals, by type, served to children and multiply the product or products by the assigned rate of reimbursement for each meal type, or (3) multiply the assigned blended per-meal rate of reimbursement by the total number of meals, by type, served to children.

6. Section 226.16 is amended by revising paragraphs (a), (b)(1), (b)(4), (b)(5), and (e)(4), and by adding a new paragraph (b)(6), to read as follows:

§ 226.16 Institution provisions.

(a) *Tax-exempt status.* Except for proprietary Title XX centers, and sponsoring organizations of such centers, institutions shall be public, or have tax-exempt status under the Internal Revenue Code of 1954, or be moving toward compliance with the

requirements for tax-exempt status, or be currently operating another Federal program requiring nonprofit status. An institution which has applied to the Internal Revenue Service (IRS) for tax-exempt status may participate in the Program while its application is pending review by IRS. If IRS denies the application for tax-exempt status, the institution shall immediately notify the State agency of such denial. The State agency shall then terminate the participation of the institution. If IRS certification of tax-exempt status has not been received within 12 months of filing the application with IRS and IRS indicates that the institution has failed to provide all required information, the State agency shall terminate the participation of the institution until such time as IRS tax-exempt status is obtained.

(b) *Applications.* * * *

(1) Except for proprietary Title XX centers and sponsoring organizations of proprietary Title XX centers, evidence of nonprofit status, in accordance with § 226.16(a);

(4) If an independent child care center or independent outside-school-hours care center, documentation that it meets the licensing/approval requirements of § 226.7(d)(1);

(5) A nondiscrimination and free and reduced-price policy statement, and information regarding a public release, in accordance with § 226.24; and

(6) For each proprietary Title XX center, documentation that it provides nonresidential day care services for which it receives compensation under Title XX, and certification that not less than 10 percent of the meals served to children during the most recent calendar month were served to Title XX beneficiaries. Sponsoring organizations shall provide this documentation and certification for each proprietary Title XX center under their jurisdiction.

(e) *Recordkeeping.* * * *

(4) Daily records indicating the number of children in attendance and the number of meals, by type (breakfast, lunch, supper, supplements), served to enrolled children, except that the meal count records of each proprietary Title XX center shall indicate the number of meals of each type served each day to each individual enrolled child;

7. Section 226.17 is amended by adding a new paragraph (k), to read as follows:

§ 226.17 *Sponsoring organizations provisions.*

(k) A for-profit organization shall be eligible to serve as a sponsoring organization for proprietary Title XX centers which have the same legal identity as the organization, but shall not be eligible to sponsor proprietary Title XX centers which are legally distinct from the organization, day care homes, or public or private nonprofit centers.

8. Section 226.18 is amended by revising paragraphs (a), (b)(2), (b)(4), and (b)(8), to read as follows:

§ 226.18 *Child care center provisions.*

(a) Child care centers may participate in the Program either as independent centers or under the auspices of a sponsoring organization: *Provided, however,* That public and private nonprofit centers shall not be eligible to participate in the Program under the auspices of a for-profit sponsoring organization. Child care centers participating as independent centers shall comply with the provisions of § 226.16.

(b) * * *

(2) Except for proprietary Title XX centers, child care centers shall be public, or have tax-exempt status under the Internal Revenue Code of 1954, or be moving toward compliance with the requirements for tax-exempt status, or be currently operating another Federal program requiring nonprofit status. A child care center which has applied to the Internal Revenue Service (IRS) for tax-exempt status may participate in the Program while its application is pending review by IRS. If IRS denies the application for tax-exempt status, the child care center shall immediately notify the State agency of such denial and the State agency shall terminate the participation of the child care center. If IRS certification of nonprofit status has not been received within 12 months of filing the application with IRS and IRS indicates that the child care center has failed to provide all required information, the State agency shall terminate the participation of the child care center until such time as IRS tax-exempt status is obtained.

(4) Each child care center participating in the Program shall claim only the meal types specified in its approved application and served in compliance with the meal pattern requirements of § 226.21. Reimbursement shall not be claimed for meals served to children who are not enrolled, for meals served to children at any one time in excess of the center's authorized capacity, or for any meal served at a proprietary Title XX center

during a calendar month when less than 10 percent of all meals served to children were served to Title XX beneficiaries. Menus and any other nutritional records required by the State agency shall be maintained to document compliance with meal pattern requirements.

(8) Each child care center shall maintain daily records of the number of meals, by type (breakfast, lunch, supper, supplements), served to enrolled children and to adults performing labor necessary to the food service: *Provided, however,* That the meal count records of each proprietary Title XX center shall indicate the number of meals of each type served daily to each individual enrolled child.

9. Section 226.19 is amended by revising paragraph (b) to read as follows:

§ 226.19 *Day care home provisions.*

(b) Day care homes participating in the Program shall operate under the auspices of a public or private nonprofit sponsoring organization. Sponsoring organizations shall enter into a written agreement, developed by the State agency, with each sponsored day care home to specify the rights and responsibilities of both parties. At a minimum, the agreement shall embody:

10. Section 226.20 is amended by revising paragraphs (a), (b)(2), (b)(6), and (b)(9)(iv), to read as follows:

§ 226.20 *Outside-school-hours care center provisions*

(a) Outside-school-hours care centers may participate in the Program either as independent centers or under the auspices of a sponsoring organization, *Provided, however,* That public and private nonprofit centers shall not be eligible to participate in the Program under the auspices of a for-profit sponsoring organization. Outside-school-hours care centers participating as independent centers shall comply with the provisions of § 226.16.

(b) * * *

(2) Except for proprietary Title XX centers, outside-school-hours care centers shall be public, or have tax-exempt status under the Internal Revenue Code of 1954, or be moving toward compliance with the requirements for tax-exempt status, or be currently participating in another Federal program requiring nonprofit status. Centers which have applied to IRS for tax-exempt status may

participate in the Program while their application is pending review by IRS. If IRS denies the application, the center shall immediately notify the State agency of such denial and the State agency shall terminate the participation of the center. If IRS certification of nonprofit status has not been received within 12 months of filing the application with IRS and IRS indicates that the center has failed to provide all required information, the State agency shall terminate the participation of the center in the Program until such time as IRS tax-exempt status is obtained.

(6) Each outside-school-hours care center participating in the Program shall claim only the meal types specified in its approved application and served in compliance with the meal pattern requirements of § 226.21.

Reimbursement shall not be claimed for meals served to children who are not enrolled, for meals served to children at any one time in excess of authorized capacity, or for any meal served at a proprietary Title XX center during a calendar month when less than 10 percent of all meals served to children were served to Title XX beneficiaries.

(9) * * *

(iv) number of meals served to enrolled children at each meal service, and the number of meals served to each individual child at each meal service in a proprietary Title XX center;

(Catalog of Domestic Assistance Programs Number 10.558)

(The Child Care Food Program is subject to Part III of Attachment A of OMB Circular A-95 (revised). Part III requires that Governors or their designated Plan review agency be given the opportunity to review the State Plans required by Program regulations)

(Omnibus Reconciliation Act of 1980, sec. 207, Pub. L. 96-499, 94 Stat. 2599)

Dated: June 15, 1981.

G. William Hoagland,
Administrator, Food and Nutrition Service.

[FR Doc. 81-18228 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 907

Public Hearing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Public hearing.

SUMMARY: This hearing is to provide an opportunity for interested persons to

submit written and/or oral comments with respect to the marketing of the 1980-81 California-Arizona navel orange crop.

DATES: The hearing will start at 9:00 a.m., Monday July 20, 1981.

ADDRESS: Exeter Memorial Building, 324 North Kaweah (Rt. 65), Exeter, California.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532, South Building, Washington, D.C. 20250, telephone (202) 447-5975.

SUPPLEMENTARY INFORMATION: Notice is given that the Department will hold a public hearing to receive views from interested persons on factors having a bearing on the marketing of the 1980-81 crop of California-Arizona navel oranges. These oranges are regulated under the marketing agreement and marketing Order 907 (7 CFR Part 907).

The navel orange marketing order is one of 48 such federal programs that aid growers and shippers of fruits, vegetables, nuts and related specialty crops in marketing their commodities. The program are requested and voted on by the agricultural industries that ask for this means of coping with their marketing problems. Marketing agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Under the navel orange program, unlike most other marketing orders, regulations are issued weekly during the marketing season. These regulations establish the quantities of fresh fruit that can be shipped to U.S. and Canadian markets. Oranges can be "stored" on the trees, and the weekly regulations are intended to spread the total supply over a longer period to curb market gluts and shortages and to stabilize prices. The western navel orange crop this season is expected to be 37 million 75-pound boxes. This is ten percent above the record crop harvested in the 1979-80 season.

The marketing of the 1980-81 crop of California navel oranges has been accompanied by a great deal of controversy over crop utilization under the federal marketing order. Media attention has been substantial. The Department has received numerous letters and other communications from producers, handlers, private and public organizations, and other individuals expressing their widely divergent views.

The hearing is intended to provide an opportunity for all interested persons to comment. The scope of the hearing is limited to the marketing of the 1980-81 California-Arizona navel oranges crop.

A verbatim record of the hearing will be made and, along with all submitted statements, will be available to the public.

The Presiding Officer at this hearing will be a USDA Administrative Law Judge. The Presiding Officer will establish appropriate procedures and, as necessary, time limitations for the presentation of statements and the questioning of witnesses. All rulings by the Presiding Officer will be final.

Persons who wish to testify at the hearing should submit four copies of their testimony and indicate their interest in appearing to: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Room 2532 South Building, Washington, D.C. 20250. Testimony and requests to testify should be received by July 10, 1981. It is recommended that additional copies of statements be made available for distribution at the hearing.

Persons who indicate an interest in testifying will be notified of the tentative schedule for the presentation of testimony. Such persons should provide an address and telephone number where they can be contacted. The tentative schedule of testimony will also be available from William J. Doyle, at the above address and telephone number.

All persons testifying at the hearing will be expected to respond to questions. Those questioning witnesses should avoid being repetitious or argumentative. The Presiding Officer will establish appropriate procedures and time limitations for questioning of witnesses.

Person interested in expressing views but who are unable to attend the hearing may submit written comments to the Fruit Branch at the above Washington, D.C. address. Four copies of comments should be submitted. Copies of such comments must be received by July 10, 1981. All such comments received will be made a part of the record of the hearing.

Copies of the testimony and written comments will be available to the public for review prior to the hearing at the above address in Washington, D.C. and also at Suite 540, 845 South Figueroa Street, Los Angeles, California 90017.

Additional information relative to the procedures to be followed at the hearing will be announced by the Presiding Officer at the beginning of the hearing.

Dated: June 15, 1981.

Mildred Thymian,
Administrator, Agricultural Marketing Service.

[FR Doc. 81-18218 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 922

Apricots Grown in Designated Counties in Washington; Proposed Grade and Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes grade and size requirements on the handling of apricots grown in designated counties in Washington. These requirements are designed to provide for orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received by July 6, 1981. Proposed effective date: August 1, 1981.

ADDRESS: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

This proposed regulation is to be issued under the marketing agreement, as amended, and Order No. 922 as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendation and information submitted by the Washington Apricot Marketing Committee and upon other information. Under the terms of the proposed regulation the grade and size requirements would be effective on and after August 1, 1981. Although the regulation would be effective for an indefinite period the committee would continue to meet prior to each season and consider recommendation for continuation, modification, suspension or termination of the regulation. Prior to making any such recommendations the

committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will annually evaluate committee recommendations and information submitted by the committee and other available information and determine whether continuation, modification, suspension, or termination of regulation of shipments of apricots would tend to effectuate the declared policy of the act.

For the 1981 season, the committee estimates that 900 tons of apricots will be available for fresh shipment. Actual shipments in 1980 were 1,993 tons. The sharp reduction in fresh shipments is due to considerable frost damage in major growing areas in mid-April. The grade and size requirements are designed to prevent the shipment of Washington apricots of a lower grade and smaller size than specified. These requirements are designed to provide for the shipment of good quality apricots consistent with the volume and size composition of the crop in the interest of producers and consumers.

Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

The proposal is that a new § 922.321 Apricot Regulation 21 be added to read as follows:

§ 922.321 Apricot Regulation 21.

(a) On and after August 1, 1981, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided,* That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1½ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties may measure not less than 1¼ inches: *Provided,* That not more than 10 percent, by count, of such apricots may

fail to meet the applicable minimum diameter requirements.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) The terms "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in Western States.

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-18222 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 948

Irish Potatoes Grown in Colorado—Area No. 3; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would require fresh market shipments of potatoes grown in Colorado—Area No. 3 to be inspected and meet minimum grade, size and maturity requirements. The regulation should promote orderly marketing of such potatoes and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due July 20, 1981.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447-2615.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado Area No. 3. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Colorado Area No. 3 Potato Committee, established under the order, is responsible for its local administration.

This notice is based upon recommendations made by the committee at its public meeting in Greeley, Colorado, on May 27, 1981.

The grade, size, maturity and inspection requirements recommended herein are similar to those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market outlets. The specific proposals, hereinafter set forth, would benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area.

Exceptions would be provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity and inspection requirements: *Provided*, That safeguards were met to prevent such potatoes from reaching unauthorized outlets. Certified seed would be exempt because requirements for this outlet differ greatly from those for fresh market. Shipments for use as livestock feed would likewise be exempt. Since no

purpose would be served by regulating potatoes used for charity purposes, such shipments would be exempt. Also potatoes for most processing uses are exempt under the legislative authority for this part.

Potatoes for prepeeling would be handled without regard to maturity requirements since skinning of such potatoes would be of no consequence. Also, the maturity requirements terminate on December 31 because at that stage of the marketing season potatoes are generally mature with skins firmly set.

It is proposed that § 948.383 (45 FR 51182, August 1, 1980) be removed and a new § 948.385 be added as follows:

§ 948.385 Handling regulation.

During the period August 1, 1981, through July 31, 1982, no person shall handle any lot of potatoes grown in Area No. 3 unless such potatoes meet the requirements of paragraphs (a), (b) and (c) of this section, or unless such potatoes are handled in accordance with paragraphs (d) and (e), or (f) of this section.

(a) *Grade and size requirements—All varieties.* U.S. No. 2 or better grade, 1 1/8 inches minimum diameter or 4 ounces minimum weight. However, Size B may be handled if U.S. No. 1 grade.

(b) *Maturity (skinning) requirements—All varieties.* Through December 31, 1981, for U.S. No. 2 grade, not more than "moderately skinned," and for all other grades, not more than "slightly skinned"; thereafter no maturity requirements.

(c) *Inspection.* (1) No handler shall handle any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purpose of operation under this part it is hereby determined pursuant to paragraph (d) of § 948.40, that each inspection certificate shall be valid for a period not to exceed five days following the date of inspection as shown on the inspection certificate.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto and the copy is made available for examination at any time upon request.

(d) *Special purpose shipments.* (1) The grade, size, maturity and inspection requirements of paragraphs (a), (b), and (c) of this section shall not be applicable to shipments of potatoes for:

(i) livestock feed;

(ii) Charity;

(iii) Canning, freezing, and "other processing" as hereinafter defined, and (iv) Certified seed potatoes (§ 948.6).

(2) The maturity requirements set forth in paragraph (b) of this section shall not be applicable to shipments of potatoes for prepeeling.

(e) *Safeguards.* Each handler making shipments of potatoes pursuant to paragraph (d) of this section shall:

(1) Prior to shipment, apply for and obtain a Certificate of Privilege from the committee;

(2) Furnish the committee such reports and documents as required, including certification by the buyer or receiver on the use of such potatoes; and

(3) Bill each shipment directly to the applicable buyer or receiver.

(f) *Minimum quantity.* For purpose of regulation under this part, each person may handle up to but not to exceed 1,000 pounds of potatoes per shipment without regard to the requirements of paragraphs (a) and (b) of this section, but this exception shall not apply to any shipment of over 1,000 pounds of potatoes.

(g) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "Size B," "moderately skinned" and "slightly skinned" shall have the same meaning as when used in the United States Standards for Grades of Potatoes (7 CFR 2851.1540-2851.1566) including the tolerances set forth therein. The term "prepeeling" means the commercial preparation in a prepeeling plant of clean, sound, fresh potatoes by washing, peeling or otherwise removing the outer skin, trimming, sorting, and properly treating to prevent discoloration preparatory to sale in one or more of the styles of peeled potatoes described in § 2852.2422 United States Standards for Grades of Peeled Potatoes (7 CFR 2852.2421-2852.2433). The term "other processing" has the same meaning as the term appearing in the act and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, dicing, or applying material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97, as amended, and this part.

(h) *Applicability to imports.* Pursuant to section 8e of the act and § 980.1, "Import regulations" (7 CFR 980.1),

round white varieties of Irish potatoes, except certified seed potatoes, imported into the United States during the period August 1, 1981, through June 4, 1982, shall meet the minimum grade, size, quality, and maturity requirements specified in paragraphs (a) and (b) of this section.

(i) **Forms.** Information collection requirements (reporting or record keeping) under this part are subject to clearance by the Office of Management and Budget and are in the process of review. These information requirements shall not become effective until such time as clearance by the OMB has been obtained.

Dated: June 15, 1981.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 81-16226 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Proposed Rescission of REA Bulletins: 300-7 "Member Service Program—Telephone," 320-3 "Working Capital in Loans to Telephone Borrowers," and 320-13 "Loans for Switched Facilities"

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA hereby proposes to amend Appendix A—REA Bulletins to rescind Bulletins 300-7, 320-3 and 320-13. Rescission of these bulletins affects regulation of REA telephone borrowers in the areas of member services, working capital and loans for switched facilities.

DATE: Public comments must be received by REA no later than: August 18, 1981.

ADDRESS: Persons interested in the proposed rescissions may submit written comments to John Rose, Director, Telecommunications Management Division, Rural Electrification Administration, Room 2913, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: John Rose, Director, Telecommunications Management Division, above address, telephone number (202) 447-5252. The Draft Impact Analysis describing the options considered in the decision to rescind the three Bulletins and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as

amended (7 U.S.C. 901 *et seq.*), REA hereby proposes to amend Appendix A—REA Bulletins to rescind REA Bulletins 300-7, 320-3 and 320-13. This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major."

REA Bulletin 300-7 "Member Service Program—Telephone" is proposed for rescission because the policy it sets forth is well understood and followed by the rural telephone cooperatives to which it is directed. The need for a formalized document explaining this policy no longer exists.

REA Bulletin 320-3 "Working Capital in Loans to Telephone Borrowers" is proposed for rescission because loans for working capital have not been made in several years. REA still retains the authority to review requests for such loans on a case by case basis. However, the broad policy statement concerning the availability of funds for this purpose contained in the Bulletin does not further program objectives or conserve scarce loan funds.

REA Bulletin 320-13 "Loans for Switched Facilities" is proposed for rescission because changes in technology have made the provision of switched facilities obsolete.

All written submissions made pursuant to this action will be made available for public inspection during regular business hours, above address. This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

Dated: June 11, 1981.

Joe S. Zoller,

Acting Administrator.

[FR Doc. 81-18239 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Docket No. R-0082]

Proposal to Amend Regulation T to Establish Margin Requirements for Options on Exempted Debt Securities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking.

SUMMARY: The Board proposes to amend Regulation T (12 CFR Part 220) to provide a separate margin requirement for options on debt securities issued or guaranteed by government entities (exempted debt securities). The Board's existing margin requirement for options was adopted to cover options written on

corporate equity securities. Absent an amendment to Regulation T, it will be automatically applicable to a new type of option on exempted debt securities for which filings have been made with the Securities and Exchange Commission (SEC) by the Chicago Board Options Exchange (CBOE), the American Stock Exchange (AMEX) and the New York Stock Exchange (NYSE). It is the Board's view that the existing margin requirements would not be appropriate for this type of option contract.

Two alternative amendments are being considered by the Board. One, which will be identified herein as the "good faith proposal," would require a broker or dealer to obtain from a customer writing uncovered options on exempted debt securities the amount of margin determined by the broker or dealer "in good faith" to be adequate. This presumes that, at a minimum, the margin required would be that specified as maintenance margin in the rules of the self-regulatory organization (SRO) to which the creditor belongs. The Board's present rules for certain corporate bonds and industry practice for exempted securities use the "good faith" margin concept. The "good faith proposal" would also permit the creditor to assign good faith loan value to this new type of exchange-traded option. The second proposed amendment, identified as the "premium-based proposal," would require an initial margin deposit of 130 percent of the option premium plus \$1000 for the writing of uncovered options. It would continue the Board's present policy of not granting loan value to a long position in an option.

DATE: Comments should be received on or before August 3, 1981.

ADDRESS: Comments, which should refer to Docket No. R-0082, may be mailed to the Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or delivered to Room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may also be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Bruce Brett, Securities Regulation Analyst, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202-452-2781).

SUPPLEMENTARY INFORMATION: The Board of Governors proposes to amend its Regulation T to provide a separate margin for options on exempted debt securities. Public comment is requested by August 3, 1981, on two alternative proposals, particularly with respect to issues identified in this notice.

An option contract on mortgage pass-through certificates guaranteed by the Government National Mortgage Association (GNMA options) was recently approved by the SEC for trading on the CBOE (Securities Exchange Act Release No. 17577, February 26, 1981.) and option contracts on Treasury bills, notes and bonds that have been proposed by the NYSE, Amex and CBOE are currently being considered by the SEC (Securities Exchange Act Release No. 17995, May 11, 1981). One of the SEC's requirements for the approval of trading of the GNMA option contract was that CBOE margin rules conform with the Board's margin requirements.

There are several reasons why the Board is considering a "good faith" margin for these new options. One is that the Board does not set margins for the government securities underlying the options because they are defined in section 3(a)(12) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(12)) as "exempted securities" and are, therefore, not subject to the Board's regulation. The margin which is required by rules of the self-regulatory organizations (SRO's) or industry practice for the purchase of government securities in the cash market is regarded as a "good faith" margin. In general, this "good faith" margin approximates five percent. The "good faith proposal" would permit an option margin for the derivative security comparable to that used in the cash market. This proposal would minimize constraints on market activity and appear to involve the least regulatory burden. However, the SEC has indicated its concern that having different methods of calculating margins on similar options "may constitute an inappropriate burden on market participants." The NYSE has pointed out that if different requirements for different exchanges are approved, problems will be created for brokers belonging to more than one exchange. Commenters are asked to express their views on the potential seriousness of these difficulties.

The "good faith proposal" would also allow a broker to extend "good faith" loan value on an exchange-traded option on exempted debt securities. The Board denied loan value to options in 1973 when the exchange-trading of these

contracts was first started. At that time the Board noted that, unlike the underlying security, an option is a disappearing asset. The public is asked to comment separately on this part of the "good faith proposal."

The "premium based proposal" for uncovered writing of options follows the general format proposed by the three exchanges for maintenance margin for uncovered option contracts, that is, a percentage of the premium plus a fixed sum. Each exchange, however, proposed different values for each component. The percentage of premium set forth by the exchanges range from 100 percent to 130 percent; the fixed sum ranges from \$1500 to \$3500. Most have some additional adjustments to provide for deviations from the basic format when options are deep in or out of the money. The Board's "premium based proposal" is 130 percent of the premium plus \$1000, and adjustments to the format have been avoided in order to keep the regulation as simple as possible. In addition, the Board's proposal does not take into account the maturity of the underlying securities, a component of some of the exchange proposals. Comments are requested on the absence of these specific features. If the Board's proposed rule is thought to be inappropriate for certain classes of options or in certain situations, commenters are invited to suggest the least complicated way to accomplish the desired results. The "premium based proposal" does not contemplate according loan value to long positions in options.

Under either proposal, no margin would be required where the option is covered; that is, where the security that can be delivered upon exercise of the option or an offsetting option position is held in the option writer's account. The proposed amendments specify what the Board regards as adequate cover.

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g, 78w) the Board proposes to adopt either of the following amendments to § 220.4 and § 220.8 of Regulation T (12 CFR Part 220):

Good Faith Proposal

The Board proposes the following amendments to § 220.4(i) and § 220.8(b) and (j) of Regulation T (12 CFR Part 220):

1. To revise § 220.4(i) to read as follows:

§ 220.4 Special accounts.

(i) *Special bond accounts.* (1) In a special bond account a creditor may extend and maintain credit on any

exempted security, registered non-equity security, or OTC margin bond. The maximum loan value of securities held in this account shall be as prescribed from time to time in § 220.8 (the Supplement to Regulation T). Call options may be issued, endorsed, or guaranteed in this account on any underlying equity security which is held in this account because it is an exempted security.

(2) Put and call options on exempted non-equity securities may be issued, endorsed, or guaranteed in this account provided the amount of margin for such options as prescribed by the Board from time to time in § 220.8 (the Supplement to Regulation T) is included in the adjusted debit balance of this account. The amount of margin need not be included in the adjusted debit balance where there is held in the account any of the following:

(i) The underlying security in the case of a call or a short position in the underlying security in the case of a put;

(ii) An agreement under which a bank, which is holding the underlying security or the required cash, is obligated to deliver, in the case of a call, or accept, in the case of a put, the underlying security against payment of the exercise price upon exercise of the option;

(iii) A long position in a call for the same nominal principal amount of the same underlying security which does not expire before the expiration date of the call issued, endorsed, or guaranteed. *Provided,* That there is also added to the adjusted debit balance the amount, if any, by which the exercise price of such long position exceeds the exercise price of the call issued, endorsed, or guaranteed or, in the case of GNMA options, such additional amount as required by exchange rules.

(iv) A long position in a put on the same nominal principal amount of the same underlying security which does not expire before the expiration date of the put issued, endorsed, or guaranteed. *Provided,* That there is also added to the adjusted debit balance the amount, if any, by which the exercise price of the put issued, endorsed, or guaranteed exceeds the exercise price of such long position or, in the case of GNMA options, such additional amount as required by exchange rules.

(3) When a security held in the account serves in lieu of the margin required for a call, such security shall be valued at no greater than the exercise price of the call.

(4) A short position may be held in this account to serve in lieu of the margin required for a put. The amount to be added to the adjusted debit balance

in respect of such short sale shall be increased by any unrealized loss on the position.

(5) When both a put and a call are issued, endorsed or guaranteed in this account on the same nominal principal amount of the same underlying security, the amount of margin required shall be the margin on either the put or the call, whichever is greater, plus any unrealized loss on the other option.

(6) Any security position held in the account which serves in lieu of the margin required for a put or a call shall be unavailable to support any other option transaction in the account.

(7) The customer may either designate at the time the option order is entered which security position held in the account is to serve in lieu of the margin required or have a standing agreement with the creditor as to the method to be used for making the determination on any given day as to which security position will be used in lieu of the margin to support an option transaction.

(8) For the purposes of this paragraph a security shall be deemed to be an "underlying security" if it may be delivered in satisfaction of an exercise notice.

2. To revise § 220.8(b) and (j) to read as follows:

§ 220.8 Supplement.

(b) *Maximum loan value for a special bond account.* The maximum loan value of an exempted security, a put or call on a non-equity exempted security, an OTC margin bond, or a registered non-equity security shall be determined by the creditor in good faith.

(j) *Margin required for the writing of options.* (1) The amount to be included in the adjusted debit balance of a general account, special bond account, or special convertible debt security account pursuant to paragraphs (d)(5) and (i) of § 220.3, as the margin required for the issuance, endorsement, or guarantee of any put or call on an equity security shall be 30 per cent of the current market value of the underlying security with an adjustment for any applicable increase or reduction.

(2) The amount to be included in the adjusted debit balance of an account pursuant to § 220.4(i) as the margin required for the issuance, endorsement, or guarantee of any put or call on an exempted debt security shall be as determined by the creditor in good faith.

Premium-Based Proposal

The Board proposes the following amendments to § 220.4(i) and § 220.8(b) and (j) of Regulation T (12 CFR Part 220):

1. To revise § 220.4(i) to read as follows:

§ 220.4 Special accounts.

(i) *Special Bond Accounts.* (1) In a special bond account a creditor may extend and maintain credit on any exempted security, registered non-equity security, or OTC margin bond. The Maximum loan value of Securities held in this account shall be as prescribed from time to time in § 220.8 (the Supplement to Regulation T). Call options may be issued, endorsed, or guaranteed in this account on any underlying equity security which is held in this account because it is an exempted security.

(2) Put and call options on exempted non-equity securities may be issued, endorsed, or guaranteed in this account provided the amount of margin for such options as prescribed by the Board from time to time in § 220.8 (the Supplement to Regulation T) is included in the adjusted debit balance of this account. The amount of margin need not be included in the adjusted debit balance where there is held in the account any of the following:

(i) The underlying security in the case of a call or a short position in the underlying security in the case of a put;

(ii) An agreement under which a bank, which is holding the underlying security or the required cash, is obligated to deliver, in the case of a call, or accept, in the case of a put, the underlying security against payment of the exercise price upon exercise of the option;

(iii) A long position in a call for the same nominal principal amount of the same underlying security which does not expire before the expiration date of the call issued, endorsed, or guaranteed: *Provided*, That there is also added to the adjusted debit balance the amount, if any, by which the exercise price of such long position exceeds the exercise price of the call issued, endorsed, or guaranteed or, in the case of GNMA options, such additional amount as required by exchange rules.

(iv) A long position in a put on the same nominal principal amount of the same underlying security which does not expire before the expiration date of the put issued, endorsed, or guaranteed: *Provided*, That there is also added to the adjusted debit balance the amount, if any, by which the exercise price of the put issued, endorsed, or guaranteed exceeds the exercise price of such long position or, in the case of GNMA options, such additional amount as required by exchange rules.

(3) When a security held in the account serves in lieu of the margin

required for a call, such security shall be valued at no greater than the exercise price of the call.

(4) A short position may be held in this account to serve in lieu of the margin required for a put. The amount to be added to the adjusted debit balance in respect of such short sale shall be increased by any unrealized loss on the position.

(5) When both a put and a call are issued, endorsed or guaranteed in this account on the same nominal principal amount of the same underlying security, the amount of margin required shall be the margin on either the put or the call, whichever is greater, plus any unrealized loss on the other option.

(6) Any security position held in the account which serves in lieu of the margin required for a put or a call shall be unavailable to support any other option transaction in the account.

(7) The customer may either designate at the time the option order is entered which security position held in the account is to serve in lieu of the margin required or have a standing agreement with the creditor as to the method to be used for making the determination on any given day as to which security position will be used in lieu of the margin to support an option transaction.

(8) For the purposes of this paragraph a security shall be deemed to be an "underlying security" if it may be delivered in satisfaction of an exercise notice.

2. To revise § 220.8(b) and (j) to read as follows:

§ 220.8 Supplement.

(b) *Maximum loan value for a special bond account.* The maximum loan value of an exempted security, an OTC margin bond, or a registered non-equity security which is not a put, call or combination thereof shall be as determined by the creditor in good faith.

(j) *Margin required for the writing of options.* (1) The amount to be included in the adjusted debit balance of a general account, special bond account, or special convertible debt security account pursuant to paragraphs (d)(5) and (i) of § 220.3, as the margin required for the issuance, endorsement, or guarantee of any put or call on an equity security shall be 30 per cent of the current market value of the underlying security with an adjustment for any applicable increase or reduction.

(2) The amount to be included in the adjusted debit balance of an account pursuant to § 220.4(i) as the margin

required for the issuance, endorsement, or guarantee of any put or call on an exempted debt security shall be 130 percent of the premium plus \$1000.

By the order of the Board of Governors of the Federal Reserve System, June 10, 1981.

James McAfee,

Assistant Secretary of Board.

[FR Doc. 81-18238 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Service Records as Evidence of Service and Character of Discharge

AGENCY: Veterans Administration.

ACTION: Proposed regulation amendment.

SUMMARY: The Veterans Administration is proposing to amend its regulation governing evidence of service to again accept a copy of a discharge document certified as a true and exact copy by a public custodian of records. The need for this action results from the lengthy delays in claims processing we are experiencing as a result of having to request evidence of service from the service departments.

DATES: Comments must be received on or before July 20, 1981. The Veterans Administration proposes to make this change effective date of final approval.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until July 30, 1981.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202-389-3005)

SUPPLEMENTARY INFORMATION: On October 28, 1980 we amended 38 CFR 3.203. See 45 FR 72654 (1980). This amendment was made as a consequence of the use by the service departments of a revised DD Form 214, Certificate of Release or Discharge From Active Duty. However, we also rewrote § 3.203 to preclude the use of a copy of a DD Form 214 or the Certificate of Discharge certified as being a correct copy by a public custodian of records such as a county clerk. It now appears that failure to use certified copies of discharge documents is causing lengthy delays in claims processing because verification of service must be obtained from the service departments in many more cases

than we originally believed. Since the process of obtaining verification is lengthy, the volume of requests is rapidly increasing. Consequently, we are proposing to amend § 3.203 so as to again accept a certified copy of a DD Form 214 or the Certificate of Discharge issued by a public custodian of records.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The agency has also determined, as required by Pub. L. 96-354, the Regulatory Flexibility Act, that it imposes no compliance costs or reporting burdens on the public and has no effect on businesses or State and local governments.

Additional Comment Information

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm Monday through Friday (except holidays) until July 30, 1981. Any person visiting the Veterans Administration Central Office in Washington, DC for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: June 3, 1981.

D. Custis,

Acting Administrator.

In § 3.203, paragraph (a)(1) is revised as follows:

§ 3.203 Service records as evidence of service and character of discharge.

(a) *Evidence submitted by a claimant.*

For the purpose of establishing entitlement to pension, compensation, dependency and indemnity compensation or burial benefits the Veterans Administration may accept evidence of service submitted by a claimant (or sent directly to the Veterans Administration by the service department), such as a DD Form 214, Certificate of Release or Discharge From Active Duty, or original Certificate of Discharge, without verification from the appropriate service department if the evidence meets the following conditions:

(1) The evidence is a document issued by the service department. A copy of an original document is acceptable if the

copy was issued by the service department or if the copy was issued by a public custodian of records who certifies that it is a true and exact copy of the document in the custodian's custody; and

[FR Doc. 81-18260 Filed 6-18-81; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL-1840-7]

Approval and Promulgation of Implementation Plans; Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) proposes to approve the Wisconsin Department of Natural Resources (DNR) request for a revision to the Wisconsin State Implementation Plan (SIP). The proposed revision is in the form of a variance for a bulk gasoline terminal operated by the Union Oil Company of California.

The variance is for an exemption from the requirements of section NR 154.13(3)(a) Wisconsin Administrative Code, for the terminal located in Superior, Douglas County, Wisconsin. Any source specific revision must be approved by EPA before it becomes effective as a SIP revision under the Clean Air Act. The purpose of this notice is to invite public comment on EPA's proposed approval of the variance as a SIP revision.

DATE: Written comments must be submitted on or before July 20, 1981.

ADDRESSES: Copies of the SIP revision, supporting data, and EPA's evaluation are available for inspection during normal business hours at the following addresses:

United States Environmental Protection Agency, Air Programs Branch, Region V, 230 South Dearborn Street, Chicago, Illinois 60604

United States Environmental Protection Agency, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460

Wisconsin Department of Natural Resources, Bureau of Air Management, 101 S. Webster Street, Madison, Wisconsin 53707

Comments on this proposed rule should be addressed to: Gary Gulezian,

Chief, Regulatory Analysis Section, Air Programs Branch, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT:

Sharon Kraft, Regulatory Analysis Section, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604 (312) 886-6036.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), and October 5, 1978 (43 FR 45993), pursuant to the requirements of Section 107 of the Clean Air Act (Act), EPA designated certain areas of the State of Wisconsin as not attaining the 0.08 part per million National Ambient Air Quality Standard (NAAQS) for total photochemical oxidants. On February 8, 1979 (44 FR 8220), EPA revised the NAAQS for ozone from 0.08 ppm to 0.12 ppm, not to be exceeded on the average of more than one time per year.

Part D of the Act requires the State to revise its SIP for all areas that have not attained the NAAQS. These SIP revisions must demonstrate attainment of the primary NAAQS as expeditiously as practicable, but not later than December 31, 1982. Under certain conditions, the date may be extended to December 31, 1987 for ozone and/or carbon monoxide. An adequate SIP for ozone is one which provides for sufficient control of volatile organic compounds (VOCs) from stationary and mobile sources to provide for attainment of the NAAQS.

For stationary sources, the Act requires that application of reasonably available control technology (RACT) to those sources of VOCs for which EPA had published a control techniques guideline (CTG) prior to January, 1978.

On June 4, 1979 the State of Wisconsin submitted section NR 154.01 and NR 154.13 as a revision to the SIP. These revisions set forth new or additional controls for 15 categories of stationary sources which emit VOCs. These controls are a part of Wisconsin's strategy to attain the ozone standard. In EPA's January 11, 1980, (45 FR 2319) final rulemaking, EPA approved these revisions as part of the Wisconsin SIP related to VOC source control.

The Wisconsin DNR has the authority to grant source specific variances from the SIP under section NR 154.02(3). On May 6, 1980 the Wisconsin DNR received from Union Oil of California a request for a variance from section NR 154.13(3)(a). Section 154.13(3)(a) requires vapor control equipment to capture and recover or destroy gasoline vapors

displaced during gasoline transfer operations at bulk terminals.

Union Oil Company of California operates a bulk gasoline terminal in Superior, Douglas County, Wisconsin, an ozone nonattainment area. The Wisconsin DNR has demonstrated that although Douglas County has recorded violations of the 0.08 ppm standard, no violation of the 0.12 ppm standard has been recorded in this County. Wisconsin has recommended that EPA revise its designation accordingly. Thus on June 17, 1980 (45 FR 41024) EPA proposed rulemaking to redesignate Douglas County from "Does Not Meet the Primary Standards" for oxidants to "Cannot Be Classified or Better than National Standards" for ozone. EPA will take action to finally approve this redesignation in the near future.

Union Oil Company is subject to the requirements of section NR 154.13(3)(a). Union Oil has demonstrated, however, that compliance with the section is not economically feasible because of the cost of retrofit for this facility in combination with the small amount of incremental emission reductions resulting from the installation of a vapor control system. The terminal presently employs submerged loading and all of its storage tanks are equipped with floating roofs. This is a small bulk gasoline terminal with daily throughput of about 39,000 gallons. Finally, this terminal is shared by Union Oil and Texaco. Texaco has recently withdrawn its five million gallon annual throughput thereby reducing the annual throughput at the facility to approximately 14 million gallons.

Wisconsin DNR's review considered the feasibility of installing controls, the air quality impact and the requirements of NR 154.02(3)(a). The Wisconsin DNR determined that the installation of control equipment is technically feasible. The DNR, however, believes that it is economically unreasonable because of the high cost of retrofit and conversion to bottom loading from submerged fill, in combination with the small amount of emission reductions. Wisconsin DNR's air quality showed that granting the variance would not interfere with attainment or maintenance of the ozone NAAQS. The Wisconsin DNR determined that Union Oil Company's other two terminals and its company-owned dispensing facilities are presently on schedules for compliance with section NR 154.13(3)(a), Wisconsin Administrative Code.

The Wisconsin DNR has determined that Union Oil Company has met all the necessary criteria for the variance. Therefore, the Wisconsin DNR granted Union Oil the requested variance for an

exemption from the requirements of section 154.13(3)(a). However, Wisconsin regulations state that a variance will not become effective until submitted to and approved by USEPA.

On October 29, 1980 the State of Wisconsin formally submitted the Union Oil Company variance request to EPA as a revision to the ozone SIP. EPA has reviewed the variance and has determined that all procedural requirements were met. EPA's analysis of the technical support submitted on behalf of the proposed revision indicates that the operation of the Union Oil Company terminal without the VOC control equipment specified in section NR 154.13(3)(a) will not cause or contribute to a violation of the NAAQS.

EPA agrees that it would not be economically feasible to install a bottom-loading and VOC recovery or destruction system at this terminal. Therefore, EPA proposes to approve the revision to the Wisconsin ozone SIP based upon Wisconsin's commitment to the following conditions:

1. That the annual gasoline throughput for the facility not exceed 15 million gallons after December 31, 1980, and
2. That the Union Oil Company continue to use a submerged filling method when loading tank trucks or trailers at this facility.

All interested persons are invited to comment on this revision to the Wisconsin SIP and on EPA's proposed action. Comments should be submitted to the address listed at the beginning of this notice. Public comments received on or before July 20, 1981 will be considered in EPA's final rulemaking.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator has certified (46 FR 8709) that the attached rule will not if promulgated have a significant economic impact on a substantial number of small entities. This action only approves State actions. It imposes no new requirements. In addition, this action only applies to one facility.

Under Executive Order 12291, EPA must determine whether a proposed regulation is a major rule and therefore subject to the requirement of a regulatory impact analysis. I have reviewed this proposed rulemaking and determined that it is not a major rule because EPA is proposing to approve a rule adopted by the State and not imposing new requirements. Moreover, this proposed rulemaking is an exemption which should decrease cost of compliance with the Act for the source. This action was submitted to the Office of Management and Budget

(OMB) for review as required by Executive Order 12291.

This proposed rulemaking is issued under authority of Sections 110, 172 and 301(a) of the Act as amended.

Dated: May 4, 1981.

Valdas V. Adamkus,
Acting Regional Administrator.

[FR Doc. 81-18259 Filed 6-18-81; 9:45 am]

BILLING CODE 6560-26-M

40 CFR Part 180

[OPP-300052; PH-FRL-1857-2]

Butyl Benzyl Phthalate; Proposed Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that butyl benzyl phthalate be exempted from the requirement of a tolerance when the inert (or occasionally active) ingredient is applied to cotton when dispensing gossypure to disrupt the mating of the pink bollworm. This proposal was requested by Herculite Products, Inc.

DATE: Comments must be received by July 20, 1981.

ADDRESS: Written comments to: John A. Shaughnessy, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: John A. Shaughnessy (703-557-7110).

SUPPLEMENTARY INFORMATION: At the request of Herculite Products, Inc., the Administrator proposes to amend 40 CFR Part 180 by establishing an exemption from the requirement of a tolerance for butyl benzyl phthalate, when used as an inert ingredient in laminated dispensers, when dispensing gossypure (a synthetic pheromone) on cotton only, to disrupt the mating of the pink bollworm.

Inert ingredients are all ingredients which are not active ingredients as defined in 40 CFR 162.3(c), and include, but are not limited to, the following types of ingredients (except when they have pesticidal efficacy of their own): solvents such as water; baits such as sugar, starches, and meat scraps; dust carriers such as talc and clay; fillers; wetting and spreading agents; propellants in aerosol dispensers; and emulsifiers. The term inert is not intended to imply nontoxicity; the ingredient may or may not be chemically active.

Preambles to proposed rulemaking documents of this nature include the common or chemical name of the substance under consideration, the name and address of the firm making the request for the exemption, and toxicological and other scientific bases used in arriving at a conclusion of safety in support of the exemption.

Name of Inert Ingredients. Butyl benzyl phthalate.

Name and Address of Requestor. Herculite Products, Inc., 1107 Broadway, New York, NY 10010.

Basis for Approval. Butyl benzyl phthalate is presently cleared by the Food and Drug Administration for several indirect food additive uses.

They are:

- 21 CFR 175.105—Adhesives in contact with food
- 21 CFR 176.170—Paper and paperboard in contact with aqueous and fatty food
- 21 CFR 176.180—Ditto with dry food
- 21 CFR 177.2420—Adjuvant in cross-linked polyester resins in articles in contact with food
- 21 CFR 178.3740—Plasticizers in polymeric substances used in manufacture of articles that may contact food

Toxicity data in the published literature support the proposed exemption. A 90-day dog feeding study gives the no-observable-effect-level (NOEL) as 2 percent dietary based on systemic effects.¹ A 90-day rat feeding study gave the NOEL as 2 percent dietary based on systemic effect.¹

Residues in cottonseed are estimated to be less than 1 part per million (ppm) butyl benzyl phthalate, from the proposed use. From the two 90-day feeding studies; the limited use (in pheromone dispensers, applied to growing cotton); and the estimated residue level of less than 1 ppm; it is concluded that the proposed exemption would be without significant hazard.

Based on the above information, and review of its use, it has been found that, when used in accordance with good agricultural practice, this ingredient is useful and does not pose a hazard to the environment. It is concluded, therefore, that the proposed amendment to 40 CFR Part 180 will protect the public health, and it is proposed that the regulation be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide, under the Federal Insecticide, Fungicide, and Rodenticide Act, which contains this

inert ingredient may request, on or before July 20, 1981, that this rulemaking proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition and document control number "[OPP-300052]". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the Process Coordination Branch (TS-767C), Rm. 514D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the *Federal Register* of May 4, 1981 (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346a(e)))

Dated: June 12, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that Subpart D of 40 CFR Part 180 be amended by adding § 180.1062 to read as follows:

§ 180.1062 Butyl benzyl phthalate exemption from requirement of tolerance.

Butyl benzyl phthalate is exempt from the requirement of a tolerance for residues in or on cottonseed, when used as an inert plasticizer in the formulation of controlled-release laminated dispensers of the attractant gossypure [(Z,Z-) and (Z,E-) 7,11-hexadecadien-1-ol acetate], to disrupt the mating of the pink bollworm.

[FR Doc. 81-18301 Filed 6-18-81; 9:45 am]

BILLING CODE 6560-32-M

¹ Krausdorf, L. G.; Studies on the Toxicity of Phthalates via Ingestion; *Envir. Hlth. Persp.*, Jan. 1973.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

American Telephone and Telegraph Co.; Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Public Notice regarding Petition for Waiver; Order extending time for filing reply comments.

SUMMARY: The Commission through the Acting Chief, Common Carrier Bureau, has enlarged the time period for reply comments in the matter of American Telephone and Telegraph Company Petition for waiver of § 64.702 of the Commission's Rules and Regulations. This action is taken because of the complexity, novelty and importance of the issues raised in the comments filed in the proceeding.

DATE: Reply comments on the AT&T petition for waiver must be filed on or before July 2, 1981.

ADDRESS: Reply comments should be submitted to the Secretary, Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Kathleen B. Levitz, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. Telephone No. (202) 653-8187.

SUPPLEMENTARY INFORMATION:

In the matter of American Telephone and Telegraph Company, petition for waiver of § 64.702 of the Commission's Rules and Regulations.

Adopted: June 8, 1981.

Released: June 9, 1981.

By the Acting Chief, Common Carrier Bureau:

1. The American Telephone and Telegraph Company (AT&T) has filed with this Commission a motion to extend the time for filing replies to comments on the Petition for Waiver filed by AT&T on March 20, 1981. (46 FR 19652; 4-1-81) In that petition AT&T had requested a waiver of the structural separation requirements imposed by § 64.702 of the Commission's Rules and Regulations, 47 CFR 64.702, to the extent required to permit the offering by Bell System operating companies of Custom Calling Services II, a package of enhanced services. Interested parties filed their comments on the petition on May 26, 1981. AT&T requests that the time by which reply comments must be

filed, now set as June 12, 1981, be extended to July 2, 1981.

2. Fifteen parties have filed comments which, with attachments, total several hundred pages. The comments raise many complex, novel and important issues. For these reasons an extension of time to reply appears both reasonable and in the public interest. In order to allow interested parties ample time to file replies which adequately address these issues, the time by which reply comments in this proceeding must be filed shall be extended to July 2, 1981.

3. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's Rules, 47 CFR 0.291, That the motion for extension of time for filing reply comments is granted. Interested parties shall file their reply comments on or before July 2, 1981.

Joseph A. Marino,

Acting Chief, Common Carrier Bureau.

[FR Doc. 81-18177 Filed 6-18-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-233; RM-3702]

FM Broadcast Station in Bay City, Tex.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; extension of comment and reply comment period.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding concerning the proposed assignment of an FM channel to Bay City, Texas. Harte-Hanks Radio, Inc., states that additional time is needed to submit the requested engineering showings.

DATES: Comments must be filed on or before June 10, 1981, and reply comments on or before July 1, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Order Extending Time for Filing Comments and Reply Comments

Adopted: June 9, 1981.

Released: June 12, 1981.

By the Chief, Policy and Rules Division.

1. On April 1, 1981, the Commission adopted a Notice of Proposed Rule Making, 46 FR 22006, published April 15, 1981, in the above-entitled proceeding. The dates for filing comments and reply

comments were June 1, and June 22, 1981, respectively.

2. On May 28, 1981, counsel for Harte-Hanks Radio, Inc. (formerly Southern Broadcast Co.) filed a request seeking an extension of time for filing comments to and including June 10, 1981. Counsel states that additional time is necessary to submit the requested engineering showings Harte-Hanks Radio, Inc. notes that this proceeding is one of several rule making proceedings relating to pending applications by various FM stations in Houston, Texas, proposing to relocate their facilities to a common transmitter site, and that similar extensions were requested in those cases. Counsel states further that none of the parties herein has interposed an objection to the instant request.

3. Accordingly, it is ordered, that the time for filing comments and reply comments in BC Docket No. 81-233, are extended to and including June 10, and July 1, 1981, respectively.

4. This action is taken pursuant to authority contained in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-18249 Filed 6-18-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 90 and 95

[Docket No. 18921; RM-1197; RM-1218; RM-1330; FCC 81-263]

Adoption of New Practices and Procedures for Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Tentative decision and further notice of proposed rulemaking.

SUMMARY: The document sets out tentative rulings on both legal and policy issues underlying cooperative use and multiple licensing arrangements authorized in the private land mobile radio services and, further, a proposed plan for the regulation of sharing plans of these types. Specific issues are announced under which interested persons may address all aspects of this rulemaking; and a statement under the Regulatory Flexibility Act of 1980 is included to permit small business enterprises to address potential impacts on their operations. This action is taken as an intermediate step in reaching a

¹ Editorial Note: The petition for waiver appeared in the notices section of the April 1, 1981 Federal Register.

decision as to shared use of radio facilities in the Private Services. The intended effect of this action is to better define and simplify the rules governing the shared use of radio facilities in the Private Services.

DATES: Comments are due on or before July 21 1981 and replies on or before August 10, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John B. Letterman, Private Radio Bureau (202) 634-2443.

SUPPLEMENTARY INFORMATION: In the matter of Amendment of Parts 89, 91, 93 and 95 of the Commission's Rules to Adopt New Practices and Procedures for Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services.¹ Docket No. 18921, RM-1197, RM-1218, RM-1330, FCC 81-263. Tentative decision and further inquiry and notice of proposed rulemaking.

Adopted: June 4, 1981

Released: June 11, 1981.

By the Commission: Chairman Fowler not participating; Commissioners Quello and Washburn concurring in the result.

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¹ Parts 89, 91, and 93 have been consolidated under New Part 90. 47 CFR Part 90. Part 95 retained its prior designation. In view of this, reference to the rule parts herein will be to the pertinent provisions under New Part 90 or to Part 95. See *Report and Order*, Docket No. 21348, 43 FR 54788 (November 22, 1978).

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I

Background

A. Preliminary Matters

1. In our earlier opinion in this Docket No. 18921, we considered the petitions for rule making filed by Chalfont Communications (RM-1197), the National Association of Radiotelephone Systems (RM-1218), and jointly by American Radio-Telephone Service, Inc., Caprock Radio Dispatch, Fresno Mobile Radio, Inc., Radiofone, and Rogers Radio Communications Services, Inc. (RM-1330); and we granted, in part, the relief asked, initiating this rule making. *Multiple Licensing—Safety and Special Radio Services*, 24 FCC 2d 510 (1970). In addition, in that same opinion, we ruled on certain key legal and policy questions which had been raised by the parties. As to these questions, we held that neither cooperative use nor multiple licensing were unlawful, and that neither conflicted with public policy nor with the public interest standard which is the keystone of our decisions.

2. Nevertheless, we did initiate this rule making to explore certain regulatory and administrative matters. For this purpose, we developed a comprehensive plan to govern all sharing arrangements in the private land mobile radio services (PLMRS), setting out its details in our *Notice of Proposed Rule Making. Multiple Licensing—Safety and Special Radio Services*, *supra*. Following the issuance of our notice, comments and replies were filed.² We considered them, but we delayed disposing of the rule making due to a series of developments which we thought might change our regulatory approach to licensing shared systems in the PLMRS.³

²The parties filing comments and reply comments are identified at Appendix A to this *Tentative Decision*.

³See particularly the rule making in Docket No. 18262, referenced *infra* at fn. 9. It was in that proceeding that we created a new class of eligible in

3. Because of this delay, we feel we should afford the parties a further opportunity to address the issues and to comment on our regulatory plan, especially since it has been revised.⁴

B. Development of System Sharing Arrangements in the PLMRS

4. As background for our *Tentative Decision*, it will be helpful to describe the various sharing arrangements employed in the private services. Such arrangements have existed for many years.⁵ The first of the plans were cooperatives.⁶ They were designed primarily to permit licensees and persons eligible for licensing in the same radio service to avoid needless duplication of transmitting equipment and associated gear.

5. Generally, these early sharing plans involved some division of capital and operating expenses among the participants. The licensee, as the owner or lessee of the equipment, was allowed to recover these costs, but not to profit. As an example, a physician, eligible in the Special Emergency Radio Service, assignment with other doctors, but all had to be eligible in the Special Emergency Radio Service. The

the PLMRS, the Specialized Mobile Radio System (SMRS) licensee. See also *Frequency Band 806-960 MHz case*, cited *infra* at fn. 9.

⁴Appendix B to this *Tentative Decision* sets forth the plan as revised. Compare Appendix, *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 522 et seq.

⁵This is illustrated by the early rules adopted for this purpose. See Part 10, Public Safety Radio Services, Section 10.7; Part 11, Industrial Radio Services, Section 11.6; Part 16, Land Transportation Radio Services, Section 16.3. *General Mobile Radio Service, Report and Order*, 14 FR 8284 (May 6, 1949). In general, these provisions authorized cooperative use of facilities in the several private services. It should be understood, however, that the practice had been sanctioned for many years prior to 1949. For example, there were numerous shared systems in the Police and Fire Radio Services before then. The best known of the early cooperatives, perhaps, was that authorized by the Federal Radio Commission in 1929 to provide radio communication services to aircraft of certain classes. This function is carried out today, as it was at that time, by Aeronautical Radio, Inc., on a non-profit basis, and, as the date indicates, the arrangement is one which has been in existence for over 50 years, predating the establishment of this Commission.

⁶Generally, there is cooperative use of a facility when a single licensee of a base station shares it with other eligible users with the expectation of being reimbursed, either in whole or in part, for the use made of the station by those users. However, the licensee may elect to be paid nothing at all, or the total expense of the system may be channeled to a third party, not the licensee. In either of these cases, no cost-sharing records are required and, thus, there are no reports as to cost sharing to file. See 47 CFR §§ 90.179, 90.181 and 90.183. See also 47 CFR § 90.185.

participant-doctors could contribute to the costs of operation and those associated with the transmitting gear itself, but there was an absolute bar against the licensee profiting from the arrangement.⁷ As long as there was no profit and the channel assigned was used specifically by doctors for medical emergencies, the Commission approved such sharing plans even when challenged.

6. Over time, features of the sharing arrangements changed. One factor which helped to bring about such changes was the adoption of what, at the time, were new marketing techniques. Initially, equipment companies sold or leased base station transmitters and associated control and mobile units to individual licensees, charging whatever the established price of the equipment was or its reasonable rental value. That was accepted and customary practice. But these equipment companies discovered that some eligibles in the PLMRS could not afford to purchase the radio facilities they needed or pay the full rental value. To accommodate this class of eligible, manufacturers and suppliers undertook to advance the required risk capital to construct a system. They would then split the rental charges among several licensees or users.⁸

7. These marketing techniques led to variations in cooperative arrangements and eventually to multiple licensing. Roughly, there were four stages in this development. In the first stage, as noted above, the licensee either owned or leased the equipment and shared its costs among the participants based upon some formula agreed to by all. In the second stage, the licensee still owned or leased the equipment, making it available either at no charge or at less

than cost, but providing participants some other service, e.g., equipment maintenance. Arrangements of this type were permitted, but only in a limited number of instances, because it was felt that licensees should not profit from provision of services associated with base station facilities. In the third stage, an eligible in one of the service categories, such as a physician or a hospital in the Special Emergency Radio Service, would agree with eligibles in the same radio service to assume the responsibilities as licensee and arrange for the needed physical radio gear and maintenance services. Under that variation, licensees were paid nothing at all; rather, all consideration flowed directly to the third-party equipment companies for goods and services, with the licensees and all qualified users paying the third-party suppliers individually for any equipment or services provided to them.

8. In none of the above arrangements was any person other than the licensee authorized to "control" the shared base station transmitter; i.e., the participant-users were not permitted to have control stations or control points of their own. This impeded effective use of the channel assignment because users had to employ direct wire line circuits between their offices or places of business, through the licensee's control point, and the transmitter being shared. This difficulty was corrected through multiple licensing. Under multiple licensing all participants were licensed to use the base station transmitter in common, i.e., each user was allowed to operate directly any shared base station transmitter and, as licensee, each could have a control station or control point of his or her own. This can be described as a fourth stage in the development of shared use in the PLMRS.⁹

9. In addition to the new marketing

techniques mentioned, there were other factors bringing about changes in sharing arrangements for mobile systems. One was site availability. Good sites, i.e., ones from which an area or region could be effectively covered, were difficult to find and few in number. And once established, the demand for their use often exceeded the capacity of the sites. To meet the requirements of these licensees, the site owners encouraged sharing and this enabled five to ten licensees or users, and sometimes more, to be accommodated over a single shared base station facility at a particular site.

10. Further, during this same period of time, there emerged a series of new communication services; and there were also advances in equipment design. This was accompanied by the contemporaneous growth of telephone answering and paging services; and new techniques were introduced for the interconnection of private radio systems with the facilities of wire line telephone companies. These new services and techniques attracted still more persons to use radio in their businesses and in the conduct of professional and governmental activities. They also led licensees in the private services to rely on third parties to dispatch for them, particularly during those times when their offices were closed, that is, at night, over weekends, and on holidays.

11. These and other related advances in the art combined in ways to encourage an even more rapid expansion of the use of shared facilities by licensees in the PLMRS, and there was a corresponding increase in the scope of the activities of third-party equipment companies. This intensified the controversy between the carriers and licensees of private systems, leading ultimately to the filing of the subject rule-making petitions and to the initiation of these proceedings.

C. Regulatory Plan Proposed

12. As stated, above, we ruled earlier in this proceeding on the key legal and policy questions advanced by the petitioners, holding that neither cooperative use nor multiple licensing was unlawful; that neither conflicted with public policy; rather we concluded that such arrangements were consistent with the statutory norm—the public interest, convenience and necessity. However, as noted, we did decide to explore through rule making a

⁷ See *Special Emergency Radio Service*, 24 FCC 2d 310 (1970); *Multiple Licensing—Safety and Special Radio Services*, *supra*; and *Medical Society Services, Inc., et al.* 26 FCC 2d 617 (1970). See also *Aeronautical Radio, Inc. v. A.T.&T. Co.*, 4 FCC 155 (1931). The prohibition against profiting by the licensee is implicit in the provisions of Section 90.415(b). See 47 CFR § 90.415(b).

⁸ We emphasize that licensees in the PLMRS have not, and do not now, provide their own equipment or maintain it, at least as a general rule. Instead, they rely heavily on third-party equipment companies to provide them with the necessary communications gear, to install it, and to service and maintain it. There has never been any restriction on arrangements of those types. Further, licensees have not been limited in the manner in which they obtain the site for their transmitters. They could purchase it, or rent it, or they could lease it. They have also been free to contract with third persons for telephone answering and dispatching services, just as long as they maintained control over the radio facilities authorized for their use. *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 519, fn. 2.

⁹ There were other variations, too. For example, provision was made for licensing of nonprofit corporations or associations of users. There, the corporation or association would serve as licensee; and service was provided to members, all of whom had to be eligible in the same radio service. Also, eligibility in the Special Emergency and Business Radio Service was provided for medical societies and hospital associations; and they were permitted to provide shared service to their respective memberships. These are forms of cooperatives. Finally, and we could call this the fifth stage in the development of shared use of common transmission facilities in the PLMRS, the Commission in the proceedings in Docket No. 18262 created the Specialized Mobile Radio System licensee, licensing the base station operator and allowing this licensee to offer service to eligibles in the PLMRS on a commercial basis. See *Land Mobile Radio Service*, 46 FCC 2d 752 (1974); *Land Mobile Service*, 51 FCC 2d 945 (1975); and *Frequency Band 806-960 MHz*, 55 FCC 2d 771 (1975). On appeal *sub nom. National Association of Regulatory Utility Commissioners v.*

Federal Communications Commission, 173 U.S. App. D.C. 413, 525 F.2d 630 (1976), *Cert. denied*, 425 U.S. 992 (1976).

comprehensive plan for the regulation of these sharing arrangements.

13. The central feature of our plan was the packaging doctrine. *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 519. Through it we sought to separate dispatching ("transmitter control") functions from the provision of radio equipment and associated services (e.g., maintenance and site management) where they were offered by or through a third party, not the licensee.¹⁰

14. Next, we sought to better define those sharing arrangements in which licensees were to be compensated (reimbursed) for the use of their systems from those in which they were to be paid no consideration at all, and we developed a series of rules to govern cooperative use and multiple licensing, using the mechanics of those licensing formats to make this distinction.¹¹

15. Further, we proposed a series of subsidiary measures for cooperative use and multiple licensing. These were designed to strengthen our administrative processes to give us better control over sharing arrangements of these types. Thus, for cooperative use we formulated uniform provisions requiring prior Commission approval of such sharing plans;¹² and we included new and rather extensive record keeping requirements, making mandatory the filing of annual reports on cost sharing.¹³ Also, we sought to bring sharing through nonprofit corporations or associations under our rules governing cooperative use;¹⁴ while, at the same time, distinguishing situations involving the shared use of common facilities which were not cooperatives in a technical sense.¹⁵ Finally, we added a new provision to allow participants to "control" the base station shared, permitting them to become licensees of any associated control points or control stations.¹⁶

¹⁰ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.13(a)(4) and 89.15(a)(3), and parallel provisions under Parts 91, 93 and 95.

¹¹ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.13, 91.9, 93.10, and 95.88 contrasted to Proposed Rule Sections 89.15, 91.11, 93.12, and 95.89. The former provisions were to apply to cooperative use arrangements and the latter to multiple licensing sharing plans.

¹² Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.13(b) *et seq.*, and parallel provisions under Parts 91, 93 and 95.

¹³ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.13(a)(3) and 89.13(e), and parallel provisions under Parts 91, 93 and 95.

¹⁴ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 91.251, 91.301, 91.351, 91.401, and 91.451, and parallel provisions under Part 93.

¹⁵ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 91.12 and 93.13.

¹⁶ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.13(a)(5), 91.9(a)(5), 93.10(a)(5), and 95.88(a)(4).

16. Our new regulatory plan for multiple licensing included an outright prohibition against any participant paying anything to any other participant to the same sharing plan, i.e., we barred the flow of consideration between participants sharing common equipment.¹⁷ Next we proposed to impose joint and several responsibility on participants sharing a common transmitting facility, so that all would be accountable for the proper operation and use of the joint system of communication.¹⁸ We added an express requirement that all participants (multiple licensees) must have "unlimited and unconditional" access to the transmission facilities shared.¹⁹ We provided that before new licensees could be added to a jointly licensed system, the consent of all presently sharing the system would have to be obtained.²⁰ Also, we included a provision requiring multiple licensees to notify us when they ceased to participate in a particular sharing plan and "submit their licenses for cancellation" when that occurred.²¹ Finally, as an added control measure, all multiple licensed transmission facilities "were to be identified" through assigning a "system designator" when such systems were first established. In this connection, we imposed rather extensive reporting requirements on applicants desiring to share radio facilities under this multiple licensing concept.²²

D. Response of the Parties

17. The proposed regulatory plan was addressed by eighteen parties,²³ while the views expressed varied greatly, they did fall basically into two categories, namely, those of the PLMRS group and those of the common carrier interests.²⁴

¹⁷ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.15(a)(2), 91.11(a)(2), 93.12(a)(2), and 95.89(a)(1).

¹⁸ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.15(a)(4), 91.11(a)(4), 93.12(a)(4), and 95.89(a)(3).

¹⁹ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.15(a)(6), 91.11(a)(6), 93.12(a)(6), and 95.89(a)(5).

²⁰ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.15(a)(5), 91.11(a)(5), 93.12(a)(5), and 95.89(a)(4).

²¹ Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.15(c), 91.11(c), 93.12(c), and 95.89(c).

²² Appendix, NPRM, Docket No. 18921, Proposed Rule Sections 89.15(b), 91.11(b), 93.12(b), and 95.89(b).

²³ The parties filing comments and reply comments are identified at Appendix A to this Tentative Decision.

²⁴ Under the PLMRS group we would include AAR, API, EIA, NABER, SIRSA, and other parties with like interests. Under the carrier interests are Chalfont Communications and NARS (now

The PLMRS group thought the regulatory plan arbitrary and capricious, i.e., without foundation in fact or law. In contrast, the carriers said we had not gone nearly far enough. They thought the restrictions and limitations proposed were "useless" and "unenforceable." "Besides, they did not reach the central and controlling issue as to the legality of the sharing arrangements or as to their propriety in the face of the public policy objections lodged by the carrier industry," in short, the plan pleased no one; and few had confidence that it would achieve its stated regulatory purposes or goals.

18. With the exception of comments and replies directed to the proposed plan itself, the arguments of the parties remained essentially the same as those advanced by them in their earlier filed petitions for rule making and in the comments and replies filed in support of or in opposition to those petitions. As to the legal and policy issues, our review of our July 1970 *Memorandum Opinion and Order* in this Docket No. 18921 in the light of the further presentations reveals no reason for reversal on any substantive point. Accordingly, without more, we would affirm that decision and the conclusions reached in it. See *Multiple Licensing—Safety and Special Radio Services*, *supra*. Nonetheless, for present purposes we will address all matters *de novo*, and, additionally, we will afford all interested persons a further opportunity to respond to our rule-making and other decisional orders.²⁵

II

Tentative Decision

A. Legal Issue

19. Essentially, the carrier interests argue that the third-party equipment companies which furnish services and equipment to PLMRS licensees on a shared basis are common carrier within the meaning of Section 3(h) of the Communications Act of 1934, as amended, because such services and equipment are similar, and in some cases identical, to those available from radio common carriers. The charges or "rates" parallel those of the carriers, and costs are not prorated "as would be the case if the sharing arrangements were *bona fide* ones," the carriers argue.

20. Further, they say these third parties "hold themselves out" "to the public" as providers of

Telocator Network of America) and other representatives of the common carrier industry.

²⁵ As the scope of the *Further Notice of Proposed Rule Making* see discussion at paras. 81 through 82 of this Tentative Decision, *infra*.

"communications services;" that the "offering" is on a "for hire" or "for profit" basis without "discrimination;" and that this being so, there is no *de facto* or *de jure* distinction between a communications common carrier and such third-party enterprises. The Commission cannot, they claim, transform such arrangements into non-common carriage simply by saying it is not common carriage.

21. In this regard, we have looked at some length at the cases referenced in the carriers' comments and replies and at others as well, and we do not reach their conclusion. Those cases hold a business enterprise is a common carrier depending not on what it purports to be and not on what the parties concerned characterize it as being, but on what it does. *United States v. California*, 297 U.S. 175 (1936); and *United States et al. v. Drum et al.*, 368 U.S. 370 (1961).²⁶ We agree that to be a common carrier one need not serve all the world. *Terminal Taxicab Co. v. District of Columbia*, 241 U.S. 252 (1916); and *Anderson v. Fidelity and Casualty Co.*, 228 N.Y. 475, 127 N.E. 584 (Ct. App., N.Y., 1920). And we accept the proposition that the courts have uniformly rejected schemes and devices designed to avoid statutory requirements relating to the control and regulation of public carriers or "utilities." *State ex rel. Board of Railroad Commissioners v. Rosenstein et al.*, 217 Iowa 985, 252 N.W. 251 (Sup. Ct. Iowa, 1934); *Restivo v. West et al.*, 149 Md. 30, 129 Atl. 884 (Ct. App. Md., 1925); *Affiliated Service Corp. v. Public Utilities Commission*, 127 Ohio St. 47, 186 N.E. 703 (Sup. Ct., Ohio, 1933); and *Gornish et al. v. Pennsylvania Public Utility Commission*, 134 Pa. Super. 565, 4 A.2d 569 (Super. Ct., Pa., 1939).

22. Additionally, we concur, the fact that an association or corporation is to be "nonprofit" or that a "cooperative arrangement" is to be available on a "cost shared" basis does not necessarily mean that such entities or arrangement are not to be classified and regulated as common carriage. *Celina & Mercer County Telephone Co. v. Union Center Mutual Telephone Association*, 120 Ohio St. 487, 133 N.W. 540 (Ohio Sup. Ct., 1921); *State Public Utilities Commission v. Noble Mutual Telephone Co.* 268 Ill. 411, 109 N.E. 298 (Sup. Ct., Ill., 1915); and *Peoples Telephone Exch. v. Public Service Commission*, 239 Mo. App. 166, 186 S.W. 2d 531 (Kan. Ct. App., 1945). See also *North Shore Fish and Freight Co. et al. v. North Shore Businessmen's*

Trucking Association, 195 Minn. 336, 263 N.W. 98 (Sup. Ct. Minn., 1935); *State ex rel. Board of Railroad Commissioners v. Rosenstein et al.*, *supra*; *Affiliated Service Corp. v. Public Utilities Commission*, *supra*; and *Surface Transportation Corporation v. Reservoir Bus Lines*, 67 N.Y.S. 2d 135, 271 App. Div. 556 (Sup. Ct. N.Y., App. Div., 1943).

23. Finally, we understand, the operation of non-regulated, utility or common-carrier-type enterprises in a regulated field gives rise to "special problems" and requires "careful analysis" in terms of public benefits and possible public detriment. *Industrial Gas Co v. Public Utilities Commission of Ohio*, 135 Ohio St. 408, 21 N.E. 2d 166 (Sup. Ct. Ohio, 1939); and *United States et al. v. Drum et al.*, *supra*.

24. While there may be no question as to the applicability of these precedents to the subject matter to which they are addressed or as to the soundness of the decisions themselves, we do not find them controlling here. This is so because the issues of law to be decided in this rule making and the controlling facts are different in essential respects. Further, we question whether one can logically superimpose a scheme of regulation which addresses state or federal control of common carriers by rail or motor vehicles or of telephone and telegraph companies or as to other utility-type enterprises on a field of federal regulation where different principles or philosophies apply. The arguments, to the extent they have validity at all, are by way of analogy only.

25. Moreover, the question of what is and what is not common carriage is presented in a variety of ways, and while the courts may find "similarities" between an activity questioned and common carriage, the decisions do not rest on "similarities" alone. *Ciacchio v. New Orleans Public Belt Railroad, et al.*, 283 F. Supp. 373 (D.C.E.D. La., 1968); and *Tilson v. Ford Motor Co.*, 130 F. Supp. 676 (D.C. Mich., 1955). See also *Arrow Aviation, Inc. v. Moore*, 266 F. 2d 488 (8th Cir., 1959). Compare *Semon v. Royal Indemnity Company*, 179 F. Supp. 403 (D.C.W.D. La., 1959); and *Morrissey v. S.S.A. & J. Faith*, 252 F. Supp. 54 (D.C.M.D. Ohio E.D., 1965).

26. Nor do we think the "holding out" by equipment companies to provide radio gear and related services on a for profit basis transforms these business enterprises into common carriers. All vendors of goods hold their products out, and the offering of combination services including equipment rental, site access, maintenance, or even dispatching services to someone who has been authorized to use the radio spectrum by the Commission does not

result in common carriage whether or not these services are shared. The equipment supplier has no right to use the radio spectrum and without this right there can be no offering of a communications service. We reach this conclusion notwithstanding the Court of Appeals decision in *NARUC I*.²⁷ There, we think the regulatory plan challenged was different in several important respects. Additionally, it seems to us that the court defined our authority somewhat narrowly. Further, we do not believe the key elements of common carriage described by the Court apply here. Thus, we see no quasi-public character, as such, in what the equipment companies offer within the framework of the competitive marketplace in which they do business. Moreover, we do not believe the equipment companies do, or can as a matter of law, "undertake to carry for all people indifferently," since they have no spectrum assignment. *NARUC I*, *supra*, at p. 667. Further, they have no obligation to carry public correspondence and, in the nature of things, none could be imposed under the allocation and assignment plan followed in licensing private systems of communications in the bands below 512 MHz. Besides, we are the one that determines to whom they may provide service. Equipment companies have no voice in that decision. While the Court seems to negate in some measure our powers under Title III of the Communications Act of 1934, as amended (*NARUC I*, at p. 670 *et seq.*), we do not read the opinion to preclude us from allowing licensees in the PLMRS from sharing equipment furnished by third parties, under competitive market conditions, at penalty of having those enterprises classified as common carriers. This would deprive licensees of the ability to negotiate the most favorable terms for securing the equipment they need to use their frequency assignments, and in a competitive equipment market there is no need for the Commission to regulate the supplier of this equipment, certainly not through a tariff process like that applicable to carriers.

27. We are reinforced in this view that equipment suppliers are not common carriers by the fact that we have structured our rules so licensees and users have no exclusive channel assignments as is ordinarily the case for common carriers; rather, the frequencies

²⁶ In this regard, the Commission is currently examining the definition of common carriage in CC Docket No. 79-252, *Deregulation of Communications Services*, 84 FCC 2d 445 (1981).

²⁷ *NARUC I*, cited *supra*, fn. 9, sub nom. *National Association of Regulatory Utility Commissioners v. Federal Communications Commission*. But see *Deregulation of Telecommunications Services*, *supra*, at pp. 463-470.

have been allocated and are available to eligibles on a "shared basis only." 47 CFR 90.173(a). Further, there are no protected contours for these systems (no franchise rights involved). Instead, licensees causing or suffering interference must resolve the problem by mutually satisfactory arrangements. 47 CFR 90.173(b). And the duty and responsibility for the proper operation of equipment and of the use of the radio spectrum assigned is upon the licensee, the end user, not upon the unlicensed equipment company. Significantly too, the licensee or end user may employ this spectrum only under terms and conditions included in the rules under which the station is authorized. The equipment company is not involved in this at all. See 47 CFR § 90.403 and § 90.405 *et seq.*, and 47 CFR Part 90, generally. Thus, below 512 MHz it is the end user (our licensee) that is granted the authority to use the radio spectrum, not the equipment company, as would be the case in common carriage. Importantly, should the licensee decide to abandon the use of a supplier's radio gear (and this has happened), the assigned spectrum follows the licensee and the equipment company has no residual rights—nothing at all but the physical gear and associated equipment which is useless without the right to employ radio frequencies in conjunction with it. *Frequency Band 806-960 MHz et al.*, 55 FCC 2d 771 (1975), at p. 772. In such circumstances, we think, there is no "quasi-public trust" in the hands of the equipment company. There is no "benefit" as such that might give rise to the application of common carrier definitions. The fact that the entrepreneur may make his equipment available to those that need it (i.e., those licensed to operate it) is not a signal factor, certainly not one that makes the equipment company a common carrier.

28. In every case, whether it involves an arrangement in the private services or a common carrier operation, there must be some third party to manufacture and supply and, at times, to maintain the physical radio gear used in systems of radiocommunication. And this is so regardless of whether or not the generator (transmitter) of electromagnetic waves is shared. *Frequency Band 806-960 MHz et al.*, *supra*, at p. 772, fn. 4. In our opinion—based upon the nature of the radio spectrum and the relationship of radio equipment to the allocation and assignment policies followed by us in the management of this public resource—equipment companies engaged in providing radio gear and related services to our licensees

(whether these licensees are common carriers or simply persons eligible in one or more of the private radio services) do not become common carriers, *de facto* or *de jure*, merely as the result of such an activity. This is so, we think, regardless of whether or not the equipment is shared. Clearly, we believe, something more is needed to constitute common carriage for hire—some right bestowed or conferred by public authority, or some duty imposed by public policy, elements we find missing here in terms of the activities of equipment suppliers. Thus, we would conclude, as we have before, that no common carrier service is involved when equipment companies rent or lease radio facilities, and that equipment companies do not become common carriers simply because they rent or lease facilities to a group for joint usage. *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 518. Accordingly, we would reject these contentions on the part of the carrier interests, and we would affirm our decision on this aspect of the controversy.

B. Competition

29. The carriers argue that third-party suppliers compete with them directly and unfairly; that this competition is destructive; and that it subjects them to significant economic harm, impeding their ability to bring service to the public. They stress that as regulated businesses they have complex and costly burdens and responsibilities not imposed on the unregulated equipment companies. Further, they suggest, they cannot readily adjust their rates to meet the "unlawful" competition; whereas the equipment companies can provide their services at whatever charges seem propitious at the moment. And these unregulated suppliers have an inherent advantage in terms of those charges, because their (the carriers') tax structure is different and their costs of dealing with regulatory agencies are higher. Therefore, the third-party entrepreneurs can always undercut carrier tariffs.

30. Further, the carriers assert they operate under greater restrictions on power and antenna height than those imposed on licensees in the private services. This places them at a disadvantage. Additionally, they do not have the same flexibility in the location of their facilities as in the private services, since they must accord protection to other carriers in compliance with rigid technical standards. Also, carriers have greater administrative burdens, e.g., logs to keep and reports that must be filed with the Commission. According to them, these duties and obligations, not shared by

licensees of shared systems or equipment suppliers, place them at a distinct competitive disadvantage. Overall, they feel our toleration of the disparities and differences that obtain between the offering of equipment and services by unregulated third parties and the regulated carriers is an anomaly which we should correct. It is one thing, they conclude, for the Commission to encourage or permit competition between carrier enterprises, regulated alike, but quite another to condone competition between themselves and what they describe as "pseudo common carriers," operating on radio channels allocated to the private services and not regulated at all.

31. In contrast, the PLMRS group contend that there was never any promise that carriers would be free from competition from private communication systems; and that there is no distinction, except possibly in degree, between a licensee electing not to share equipment in providing service to himself through the use of radio channels allocated in the private services and licensees electing to do essentially the same thing, but opting to share transmitting facilities. They reflect that this basic choice flows out of the allocation made to the private services and not out of how licensees may elect to secure the physical equipment and gear they need to use the spectrum (radio frequencies) available to them. Further, they suggest that the difficulties the carriers say they experience in licensing and in securing additional facilities are one inherent in common carriage and in the common carrier approach to regulation, and the cure for such deficiencies is not placing greater limitations and burdens on licensees in the private services, but in deregulating the common carrier industry.

32. Moreover, also in opposition to the assertions of the carriers, the PLMRS group believes the carriers do have advantages over equipment companies in that they generally operate on clear channels; normally have protection from interference within assigned contours; and have a degree of economic protection too, since they may, at least in certain instances, "protest" the entry of other carriers both at state and federal levels. Further, they feel carriers have the opportunity to offer more sophisticated equipment and types of service—better grades of service, particularly compared to private system operation in the bands below 512 MHz. They also point out that carrier customers are not limited or restricted in the messages they may transmit or as to

the persons with whom they may communicate.

33. In addition, while acknowledging equipment companies are not regulated, the PLMRS interests feel this is as it should be, since in the private services it is the end-user-licensee who is regulated. Besides, "it is not at all correct to say private systems of communication are not regulated." They are, but in ways different than common carriers—ways that are consistent with the purposes and objectives of the Commission in creating the private services in the first instance. This regulation is not less than that applicable to common carriers. In some respects it is greater, e.g., in the restrictions on use and as to the persons qualified to be licensees. Whatever the degree of regulation, it is present, not absent. These are the views of the PLMRS licensees.

34. As in the case of the legal issue, discussed above, we considered previously all of the carriers' arguments, and we tentatively hold they are not valid, essentially for reasons previously given. See *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 516 *et seq.* Thus, we cannot find in this rule-making record, nor can we conclude based upon our own experience, that such competition as does exist between equipment companies furnishing physical facilities and associated services to licensees in the PLMRS and "regulated" common carriers is either unjust or unfair. It is not unjust, because it arises essentially out of our decision to make radio spectrum available to certain classes of users to enable these users (as licensees) to conduct their affairs through the use of radio and, in this way, to promote ultimately the public interest. It should be remembered that the allocation to the private services is made not to produce or create a "private" benefit, but rather to enhance the "public" benefit which accrues from the use of radio by licensees in the private services, be they doctors serving their patients or businesses providing their wares and services to their customers. And, in our view of things, the fact that there may be some residual or incidental "private" benefit to licensees is not a material consideration in our decision to dedicate a part of the public domain for use in the PLMRS.

35. Furthermore, in our rule-making determination to allocate radio spectrum to the private services is the inherent conclusion that certain classes of eligibles should not be required to take service from common carriers. Nor does the fact that we also allocate spectrum

to the common carriers to permit them to offer radiotelephone and dispatch services to the public carry with it any reasonable implication or expectation that licensees in the PLMRS are to be limited or restricted in the arrangements they are to be allowed to make in the marketplace to secure the radio gear which will enable them to use the radio spectrum in their systems of communication.²⁸

36. Significantly, sharing was allowed even before the advent of the radio common carrier. See *General Mobile Radio Service, et al.*, 13 FCC 1190 (1949). We have affirmed that concept, in terms of the public interest, on more than a few occasions, and this in the face of strong carrier opposition. See *Cooperative Sharing of Operational Fixed Stations*, 4 FCC 2d 406 (1966); and *In the Matter of Allocation of Frequencies Above 890 MHz*, 27 FCC 359 (1959). See also *Aeronautical Radio, Inc. v. A.T. & T. Co.*, 4 FCC 155 (1937); and *Preston Trucking Company, Inc.*, 31 FCC 2d 766 (1971). In light of all the foregoing, we would conclude that the sharing arrangements we have allowed are not unjust.

37. Neither do we think competition from these sharing plans unfair.²⁹ We have found no case where such competition has resulted in the failure of any carrier; nor has it been shown that either multiple licensing or cooperative use has adversely affected the development of the radio common carrier industry as a whole. To the contrary, as we found previously,³⁰ the public communications industry has grown, not only in the number or composite size of miscellaneous common carriers authorized to provide public radio communication services, but also in the types and variety of services they offer. This growth has continued in times of expanded sharing of private facilities, both in the mobile and the fixed services.

²⁸ See *Special Emergency Radio Service*, 24 FCC 2d 310 (1970). We there stated, "... the Commission's allocation of frequencies for common carriers and for private systems is premised on the basic philosophy that potential radio users, subject to certain limitations, should have the freedom to choose between meeting their needs through private facilities or taking service from carriers." *Op. cit.*, at p. 312. That is fundamental; and that has been the predicate, in philosophical terms, for our continuation of the private services and for expanding the methods available to licensees to obtain the needed physical plant to enable them to conduct lawful, licensee activities (those designated by this Commission) through the use of radio. To same effect, *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 517.

²⁹ *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 516 *et seq.*

³⁰ *Op. cit.*, *supra* fn. 29 at p. 516, para. 26.

38. Furthermore, contrary to the views of the carriers on this point, we do not see the "regulated" carriers operating under such restraint as would place them in disadvantageous positions to compete with the competitive marketplace equipment companies. The marketplace itself is a regulating mechanism. Besides, the regulatory burdens mentioned by the carriers are not so great as to produce the inequities complained of, and the continuing demand by carriers for additional spectrum to serve increasing numbers of customers belies their contentions that they are at a competitive disadvantage. Additionally, we are actively attempting to deregulate the common carrier industry and to lessen administrative burdens on carriers. We feel this is the proper alternative, not that of imposing greater regulatory burdens on the private user sector.³¹ Moreover, with the allocations made for cellular service in Docket No. 18262, and with the plans for implementation of that service being developed through the proceedings in Docket No. 79-318,³² their argument loses persuasiveness.

39. Absent demonstrated public detriment, even if there are differences

³¹ See particularly, *Further Notice of Proposed Rule Making, In the Matter of Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorization Therefor*, CC Docket No. 79-252 (FCC 80-742), 84 FCC 2d 445 (1981), Pamphlet No. 4, *Notice of Inquiry and Proposed Rule Making*, 77 FCC 2d 308 (1979). See also *In the Matter of Regulatory Policies and Procedures for the Domestic Public Land Mobile Radio Service*, CC Docket No. 20870, 61 FCC 2d 286 (1978); 60 FCC 2d 398 (1978), reconsideration denied, FCC 80-451, Mimeo No. 27852, 80 FCC 2d (1980); *Further Notice of Proposed Rule Making*, FCC 81-30, — FCC 2d (1981); *In the Matter of Elimination of Financial Requirements in the Domestic Public Mobile Radio Services*, CC Docket No. 80-55, Report and Order, 82 FCC 2d 152 (1980); *Inquiry Into the Use of the Bands 825-845 MHz for Cellular Communication Systems and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems*, CC Docket No. 79-318, *Notice of Inquiry and Notice of Proposed Rule Making*, 78 FCC 2d 984 (1980); *Second Computer Inquiry*, Docket No. 20828, 77 FCC 2d 384 (1980); *In the Matter of Regulatory Policies Concerning Resale and Shared Use of Common Carrier Domestic Public Switched Network Services*, CC Docket No. 80-54 (Report and Order), FCC 80-607, October 21, 1980, 77 FCC 2d 274 (1980); *In the Matter of MTS and Watts Market Structure*, CC Docket No. 78-72, 73 FCC 2d 222 (1978); 75 FCC 2d 644 (1980); 77 FCC 2d 224 (1980); and 81 FCC 2d 177 (1980). See also *In the Matter of Regulatory Policies Governing Resale and Shared Use of Common Carrier Facilities*, Docket No. 20097, 60 FCC 2d 588 (1976); 60 FCC 2d 261 (1976); 61 FCC 2d 70 (1976); 62 FCC 2d 122 (1977); 62 FCC 2d 588 (1977); 66 FCC 2d 466 (1977); and 66 FCC 2d 470 (1977).

³² CC Docket No. 79-318 cited *supra*, at fn 31 sub nom. *Inquiry Into the Use of the Bands 825-845 MHz for Cellular Communication Systems and Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems*.

in the terms under which marketplace offerings of equipment and services are made to licensees in the PLMRS and common carrier offerings, and even if the end users are found to have advantages in price for the radio facilities contracted for, we would not intentionally deprive PLMRS licensees of such benefits because, *inter alia*, in the PLMRS the radio assignments have a different purpose than they do in the public services. In the PLMRS, radio is a "tool" to enable particular classes of persons (designated by ourselves through rule making) to carry out particular activities and functions (also designated by us in rule making) that have particular public purposes—better fire or police protection, better consumer services, and better utility services, all for the ultimate benefit of the public. That radio spectrum should be made available for such purposes is a public policy that can hardly be questioned. It has as least as much validity as that underlying the allocation of spectrum to the carriers for public communications. And in this context, it is not our function to make it more difficult or more expensive, or even to make it more inconvenient, for eligibles in the PLMRS to obtain the radio equipment and associated services they may need to enable them to use the radio spectrum assigned. That would be counter-productive and inconsistent totally with the marketplace approach that they must rely upon for that purpose.³³

40. Perhaps, if there were more to show that our actions approving cooperative use and multiple licensing were either unjust or unfair, we might reach a different conclusion. But we can find not a scintilla of evidence that there is such unjustness or unfairness to the carriers in our assignment practices for the PLMRS. Accordingly, on the issue of competition, we do tentatively affirm our prior orders approving cooperative sharing plans of the types discussed; and we conclude tentatively that there is a proper predicate in the public

³³ As stated by us earlier, "The alternative would be to compel the base station licensee and participants to purchase the equipment outright and answer their own telephones, else forego use of private facilities. Such restrictive measures might well preclude the use of shared private paging systems at least among some doctors. We do not view this result as one in the public interest. We see our responsibilities otherwise. We think it important to encourage the development of this use of radio, since the public is the ultimate beneficiary of such systems, for it is the public which has the requirement to reach the physician. Thus, it is to the advantage of the public that such means of communication exist, and, consequently, that we should not make them difficult, expensive, or impossible to establish." *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 518. (Italics supplied.)

interest for proceeding with the sharing plans as modified herein.

C. Benefits

1. Position of the Parties

41. The carriers question the public interest benefits to be found in authorizing sharing in the private services. They feel shared service can be provided more efficiently by them, claiming they can meet any demands and all requirements of the private users, including the provision of facilities on a priority basis to serve doctors in times of emergency. And some feel shared service (i.e., service to two or more users) is *per se* the rightful province of the common carriers, that is, theirs as matter of law.

42. In contrast, the PLMRS licensees say carrier service is not always available where needed, or that when it is available, it is too expensive or not well suited to the particular requirements of private users. Besides, some suggest, it is important to have parallel systems of communication, so one can serve to back up the other in times of emergencies or national disasters. In general though, the controversy on benefits centers around four topics: spectrum efficiency, effective spectrum utilization, economic considerations, and the availability of service. These are discussed *seriatim*, *infra*.

2. Spectrum Efficiency

43. Sharing promotes spectrum efficiency. There is better frequency utilization, less congestion, and operating conflicts are minimized and in some instances eliminated. All parties seem to agree with this. Further, coordinated control is possible, i.e., the shared transmitter is accessed at a common point, so that when in use by one licensee its use by others sharing the facility is blocked automatically. Additionally, compatible grouping of users is possible, so that the channel assignment may be employed harmoniously by all; and when costs are shared, as they are in the arrangements under review, then each participant is understandably more responsive to the day-to-day operating requirements of the others. Finally, sharing permits the use of "better" equipment, e.g., mobile relay facilities, and "better" sites—ones from which "better" coverage is possible, and this allows licensees and users to make more efficient (better) use of the radio channels assigned to them. PLMRS licensees feel this way. The carriers generally agree, but they say such objectives are better achieved through the common carrier regulatory approach which is predicated upon the

shared use of the spectrum and which, through the regulatory mechanisms applicable to the carriers, maximizes the potential of the radio spectrum to serve the greatest number of users.

44. We agree that many circumstances sharing does promote spectrum efficiency, but this is not universally so, because efficiency can be measured in a number of ways and with different results. Thus, if reuse (mileage separation) standards are employed, as in most common carrier operations, then the number of individual systems in a given area employing a common channel may be significantly less than is possible where there are no reuse standards, as in the 460–470 MHz Business band where the majority of the shared community repeaters have been established. Admittedly, this approach (followed generally in assignments in the bands below 512 MHz in the PLMRS) does not look towards the maintenance of a particular grade of service, as would be the case in most common carrier operations. And if grade of service is important as an element of efficiency, then we have no way to compare efficiency of common carrier operations with efficiency achieved through our assignment plans for the private services. Besides, the two schemes of regulations are totally different—different goals and different objectives—and for this reason they cannot always be reconciled, one with the other, nor should they be.

45. Nevertheless, we concur, in certain instances sharing transmitting equipment can and does lead to the kinds of efficiencies the private user groups mention. If this allows them to meet their requirements as they see them, and if it permits them to curtail congestion and to eliminate operating conflicts, then it is an option we feel they should have, just as long as the underlying integrity of the frequency assignments is guarded and maintained—as long as Police channels are used by Police eligibles for Police communications; Business channels for Business communications by Business eligibles; and Power assignments are employed by eligibles in the Power Radio Services for those purposes established by us as proper through our rule-making processes for communications in the Power Radio Service. Where this is so, we see no reason to eliminate useful options for obtaining the radio equipment and related services licensees require to permit them to carry out those activities and functions related reasonably to the radio service in which their stations are authorized. Thus, we reject tentatively

the notion advanced by the carrier interests that all sharing should be their province alone. That conclusion follows neither practical considerations nor legal grounds, nor do we see any equity in it.

3. Effective Spectrum Utilization

46. Private users argue that sharing, from the point of view of spectrum allocation and management, permits more effective use of the radio channels allocated in the PLMRS. Sharing is consistent with the allocation and assignment plans followed in the private services, they say, especially in the bands below 512 MHz, because there all licensees *must share*, i.e., channels are not normally assigned on an exclusive basis. In these circumstances, they reason, licensees should be encouraged to group together to share common transmitting facilities wherever possible. Also, sharing cuts down on the number of separate transmitter installations (sites) and on "equipment clutter." And there is more assurance of compliance with Commission technical requirements, since there are fewer transmitters to maintain and inspect. Additionally, sharing permits greater flexibility in locating transmission facilities because sites not available to an individual licensee (because of cost considerations, perhaps) may be available to those who share (because site costs can be spread over a broader economic base). Overall then, the private users feel there is no reason to bar sharing but many public interest considerations to support it—considerations that are consistent with fostering the effective use of the radio spectrum allocated to the private services.

47. The carriers disagree. They feel the more effective use of the spectrum can best be promoted by abolishing cooperative use and multiple licensing arrangements. Their position is, allow sharing but only when conducted by common carriers. They argue that the carrier assignment processes are more orderly. Thus, channels are not assigned until "need" is demonstrated, and additional radio frequencies are not authorized unless a carrier-licensee demonstrates that the capacity of its authorized facility is exhausted. Further, carriers can provide the management services needed by persons sharing common facilities, they say, and such management services cannot be furnished by equipment companies except in derogation of law.

48. We see merit in these views. Carrier managed radio facilities may indeed be superior to those available to licensees in the private services, but it

would seem not always. Here, the rule-making record manifests the distinct dissatisfaction of some parties with certain carrier services that were available to them. We do acknowledge the "care given" in assigning frequencies to carriers, but there are reasons for this, reasons rooted in the nature of common carriage and in the regulatory approach that seems best suited to that type of service. There, frequencies are assigned to business concerns to enable them to provide public communication services, and there the licensee-carriers become "Spectrum trustees" to utilize the spectrum *on behalf of the public* i.e., in providing communications services to the public. In such circumstances, there may be "a regulatory requirement" to examine "need" in terms of the service to be offered, or "need" in terms of assigning additional channels to permit expanded service to the public.

49. In contrast, in the private services we determine "need" in terms of a particular class of eligible. That determination is made through our rule-making processes, with radio frequencies allocated for use by that class of eligible based upon what the record demonstrates the "need" to be. After rule making, individual assignments are made within the allocation based upon application to us for permission to operate in a particular radio service. We do not reexamine "need" at that point. There is no reason to do so. Besides, we would defeat our goal of meeting a previously established particularized "need" quickly, with minimum delay, through licensing processes that generally carry no right to protest on economic or technical grounds. Thus, we do not delay licensing a Police or Power or Petroleum user, as examples, while we investigate "need" through either the rule-making or adjudicatory process. Nor do we resolve individual claims as to objectionable interference. Our assignment plan normally does not contemplate this; rather, it anticipates and eliminates the need for such considerations. This is unlike the common carrier regulatory processes, where the right to protest does exist both on economic grounds and as to interference potentials. However, this is understandable in terms of the differences that obtain between the regulatory approaches applicable to each.

50. Accordingly, we conclude tentatively, consistent with the regulatory plan adopted by us for the private services, that sharing arrangements, in certain situations, do promote the effective use of the spectrum, just as the private users say.

Further, we see no reason to bar such sharing. Licensees, we think, should have full freedom to select those arrangements available in the marketplace that best meet their requirements; and if those requirements can be met best (or better) by use of common transmitting equipment, then we believe they should have the right to share equipment just as has been done in the past.

4. Economic Considerations

51. PLMRS licensees point out that shared facilities are often cheaper than individual systems, that is, the cost to the individual licensee or user is far less; and that in some cases sharing provides the only means for obtaining needed facilities (facilities that licensees would be precluded from using because of economic considerations). Also, they say radio is at times necessary to the economic survival of a business, and that small business enterprises often cannot afford the types of radio facilities needed to serve their areas of operation except through sharing. But even in cases where the cost of a shared facility is initially as great as that of an individual system, it may still be more cost effective to share because of long-term advantages. On economic grounds, then, the private users believe sharing options should be retained.

52. The carriers respond, that while it may be true that shared private systems are less expensive, that is due to the fact that the equipment companies providing them do not have the same expenses as carriers. Their (the carriers') "regulatory" expenses are higher. They are taxed differently; and they cannot always secure the equipment they need on the same terms as the third-party equipment companies. Therefore, they feel cost comparisons are inappropriate and should not be made the basis for our decision.

53. We agree that in some instances the underlying costs of the carriers are greater, basically for the reasons they give, but we are working to deregulate them and in this way to cut down on the kinds of expenses they mention, e.g., regulatory expenses.³⁴ We would note too, that at times the expenses incurred by carriers are self-imposed, that is, incurred by them in efforts to bar competition through the exercise of protest rights or to contest proposals based upon interference considerations. Equipment companies in the private service context have no such rights.³⁵ They provide equipment to licensees

³⁴ See references at fn. 31, *supra*.

³⁵ See discussion of this point, *Frequency Band 806-960 MHz*, *supra* at fn. 9.

and eligible users only. As to those activities our function is not to make it more difficult or more costly for our licensees to obtain the physical radio gear they need to carry out lawful activities as licensees of this Commission. Just the opposite. Thus, if, through sharing, equipment is less expensive, then we would conclude that licensees and users should have this option.

5. Availability of Service

54. The private users suggest that carrier facilities are not always available to serve their needs or, if available, that they are not suited to the individual and peculiar requirements of licensees in the PLMRS. Further, they say that at times the cost of carrier service is high, so that practical considerations make it *de facto* unavailable. Also, they feel the autonomy they have as licensees in the private services is important, for if one sharing arrangement is not acceptable to them, then they have the option of turning to another or of simply establishing the needed facility themselves. Finally, they point out, in times of disasters or public emergencies, it is important for there to be parallel systems of communication, so that should those of the carriers fail, communication would still be possible to assist in securing help where it is needed.

55. The carriers seem to acknowledge that their facilities are not available everywhere or always; but they say when they are available, they should be used in lieu of the sharing plans now permitted. Further, they allege, they can meet the specific needs of individual licensees and provide service on a priority basis. They suggest allowing licensees in the private services to share only in those areas in which common carrier service is not available or where for some reason carrier facilities are shown to be inadequate.

56. Upon review, we do not believe the resolution of this controversy should turn on the availability or non-availability of carrier service. More fundamentally, we think the question goes to basic allocation matters: should radio spectrum be made available to classes of users to permit them to establish radio facilities of their own and to arrange freely in the marketplace for such equipment and services as they need to enable them to use effectively the radio spectrum allocated to them for the conduct of their affairs? We have answered this inquiry in the affirmative

on a number of occasions;³⁶ and we believe we should adhere to this position, at least for the present time. Nothing thus far has demonstrated to us that sharing, as a valuable option for service, should be denied to those persons classified by us as eligibles in the established private services. Again, it is not a question of whether or not common carrier service is available. It is possible that sufficient spectrum could be allocated to provide a nation-wide radiotelephone and dispatch capability sufficient to meet the needs of most licensees in the private services and the public as well,³⁷ but it would not necessarily follow that the option for service created by us for qualified users in the private services should be eliminated or at all curtailed. We find little to support such a hypothesis. Certainly, the record in this proceeding does not support it now.

57. On this point then, we conclude tentatively that the allocations in the private services have their own bases in terms of the public interest, convenience, and necessity standard followed by us in making such allocations in the first instance, i.e., they have a *raison d'être* of their own that justifies their existence. And this *raison d'être*, in our view, is quite separate and distinct from that which supports the allocations made to systems for public communications for public use. Those allocations have a *raison d'être* that is quite different and distinct from that underlying the private services. We have stated this on a number of occasions but the point seems missed or misconstrued. Once more though, in the private services radio frequencies are allocated by the Commission to permit these classes of persons to use radio as a tool to allow them to carry out selected activities and functions in ways that promote the public good. The end or fundamental goal of such allocations is not the provision of communication facilities and services for public use; rather, it is to permit certain classes of persons identified and licensed by us as end users to employ radio in furtherance of activities and functions which we, through our rule-making processes, have declared to be proper ones within the context of the radio service in which

their radio facilities are authorized—all in furtherance of the public weal. Therefore, we have allocated radio spectrum dedicated to serving the public and allocated other spectrum to serve private users. That one of these communication capabilities might duplicate the other we have no doubt; but that where this is so the one (the private radio system) should give way to the other (the public system of communication) we reject, for a predicate proper for such a decision does not exist.

D. Conclusions As to Proposed Rules and Policies

1. Position of Parties

58. As discussed above,³⁸ our proposed regulatory plan was questioned strongly by both the carrier and the PLMRS groups. The carriers characterized our "packaging" policy as useless and "prone to abuse." PLMRS interests challenged it as arbitrary and capricious—having no legitimate regulatory purpose. As to the other rule proposals, the carriers said they "do not go nearly far enough." In contrast, the PLMRS group felt the restrictions and limitations were not practical; could not and should not be enforced; and imposed impediments on the use of the radio channels allocated to the private services which were burdensome and entirely unjustified. We have reviewed the plan in the light of these comments, and we rule tentatively on the points raised by the parties.

2. Interim Packaging Policy

59. The packaging policy was derived out of the controversy in *Coleman Petroleum Engineering Co., et al., supra*. Very briefly, in the *Coleman* case, Caprock Radio Dispatch, an RCC, had complained that Mrs. Nellie Woodruff, a third party, had combined her telephone answering functions with dispatching and equipment rental such that the arrangement was *de facto* and *de jure* common carriage. We rejected that notion, but we stated our intention to look into arrangements of this type in rule making. *Coleman* case, *supra*, at pp.381-382.

60. In this Docket No. 18921, we put into issue—through adoption of our packaging policy as an interim measure and through proposed permanent rules—whether or not licensees of private systems of communication should be permitted to obtain both equipment and dispatching (meaning transmitter control) services from the

³⁶ Commissioner Jones, in his dissent in the *General Mobile Radio Service* case, cited *supra*, expressed the opinion that it was a mistake to permit the growth and development of non-broadcast radio services on a private and unintegrated basis; but that view was rejected then, and we have since allowed the PLMRS to develop on a free market basis. See *Op. cit.*, at P. 1238 *et seq.*

³⁷ See the *Cellular* rule making in CC Docket No. 79-318, referenced at fn. 32 *supra*.

³⁸ See discussion, *supra*, at paras. 17-18 and 41-42 of this *Tentative Decision*.

same third party. Our concern was that in such situations licensees might lose that degree of control commensurate with their status as licensees. The carriers were not bothered so much about this. Rather, they felt such arrangements so closely paralleled common carrier offerings as to be common carriage, and they demanded that all such arrangements be barred as illegal or, at the very least, contravening public policy.

61. For the reasons given at the time (*Coleman case, supra*, at pp. 381-382) and enlarged upon herein, we hold such arrangements are not *per se* illegal, nor do we find that they contravene public policy. Licenses of private systems use authorized radio facilities as a tool to carry out their primary activities and functions. They often contract for the equipment they need to enable them to operate on their channel assignments and, at times, for dispatch services. Equipment and dispatching may now be provided separately. Combining them, we feel, will not necessarily deprive licensees of control of their systems or lead to use of the assigned channels for unauthorized purposes. The private users express this view, and upon our review of the matter, we tend to agree. The remaining question is whether or not the packaging policy serves some valid purpose in our regulatory scheme. The comments of the parties indicate that it does not. PLMRS licensees stress that licensee control, to the extent that it might be an issue, can be cured by properly worded agreements between the licensee and the persons providing the needed equipment and dispatch services. Our rules now provide express guidelines for the safeguards needed, and we feel our policies are sufficiently clear to give instruction as to what is required in such agreements to ensure licensee control and to permit enforcement. See 47 CFR §§ 90.403(a) and (b); § 90.429; and § 90.463. These matters considered, we will discontinue our "packaging" policy unless, in this further rule making, we are persuaded otherwise.

3. Cooperative Use Arrangements

(a) Prior Approval by Commission

62. The rules proposed would have required licensees to submit their plans for sharing costs and for system control to the Commission for prior approval. Instead of prior submission and approval of these plans, the rule we are proposing sets out the parameters for cost sharing. Records reflecting the nature of the arrangement must be maintained, and these records must be held available for inspection and audit.

These measures, we feel, are sufficient for our administrative purposes; and in the circumstances we believe the prior approval requirement can be eliminated.³⁹

(b) Nonprofit Corporations and Associations

63. We proposed requiring nonprofit corporations and associations of users eligible for licensing in several of the private land mobile radio services (see 47 CFR 90.61 and 90.87) to comply with the new rules governing cooperative use. We continue to believe this is an appropriate policy, and the rules proposed herein required it.⁴⁰

(c) Control Station and Control Point Authorizations

64. We have mentioned that neither our prior nor our present practice permits participants to cooperative use arrangements to "control" the licensee's base station facility. We proposed separate licensing of participants for control points or stations of their own, located on or at their premises, should they so select. However, we felt it necessary to retain with the licensee the ultimate power to oversee the operation of the facility. For this purpose, the plan was to use certain isolation circuits through which the licensee of the base station could deactivate the base station or disconnect any associated control point in the event of malfunction or improper use by any participant. One party thought this measure "too complicated," "too stringent," but we are not persuaded that the requirement can be eliminated totally. However, we believe it can be made more generic, thereby permitting licensees greater flexibility in the design of their systems, and the rules have been modified to accomplish this.⁴¹

(d) Annual Reports

65. We proposed rather detailed record keeping requirements and the filing of detailed annual reports where (under cooperative use) costs are shared, with the licensee reimbursed either in full or in part for his or her capital or operating expenses.⁴² PLMRS licensees opposed the new requirements. Some thought them burdensome, and others said they were not at all justified, suggesting that the licensees could keep adequate records at their stations and could make these reports available upon reasonable request for inspection or audit by

Commission personnel. Further, it was pointed out, the Commission could always require the licensees to furnish any needed information as to their cost-sharing arrangements; that this was a statutory right of the Commission; and that, in these circumstances, some more flexible standard could be devised and still serve the Commission's purpose. We think this position reasonable. Moreover, it is consistent with our goal to deregulate wherever possible. Accordingly, we plan to adopt a simpler, more flexible rule as to record keeping and not require the filing of annual reports.⁴³

(e) Addition of Participants

66. We also proposed elaborate notification procedures when users were added to cooperative use sharing arrangements as our prior discussion of the proposed plan indicates. Again, we are looking for ways to simplify administrative procedures and we find we can do so here with no adverse effect. Thus, our modified rule embodies a simplified plan for adding sharers.⁴⁴

(f) Mobile Stations in Third-Party Vehicles

67. We had planned to clarify our rules by separating out those arrangements involving cost sharing from those in which none was involved, e.g., where a subsidiary corporation provided radio service to its parent or to another subsidiary of the same parent and where radio service was provided by a licensee to a third party furnishing, under a contract, "non-radio services" to the licensee.⁴⁵ In the interim, we developed a new rule structure in consolidating Parts 89, 91, and 93 under the new Part 90. In doing so, we took care of most of the situations mentioned. See 47 CFR 90.61; 90.87; and 90.421. But inadvertently we left certain duplicate provisions under §§ 90.181 and 90.183. However, the modified rules correct this and avoid the duplication.⁴⁶

4. Multiple Licensing Arrangements

(a) Unrestricted Transmitter Access

68. Under multiple licensing and in some cooperative use arrangements, persons sharing a particular transmitting facility do not own the equipment. At times, this equipment is located on buildings or at mountain sites where the

³⁹ Appendix B, Proposed Rule §§ 90.179(b) and 95.65(b)(6).

⁴⁰ Appendix B, Proposed Rule §§ 90.179(d) and 95.65(b)(6).

⁴¹ See references at fn. 15, *supra*.

⁴² Appendix B, Proposed Rule § 90.179. However, the rule structure for the Personal Radio Services is different; and there we retain the provision under the general rule governing shared use of stations. See Appendix B, Proposed Rule § 95.65(b)(6).

³⁹ Appendix B, Proposed Rule §§ 90.179 and 95.65(b).

⁴⁰ Appendix B, Proposed Rule §§ 90.35(c)(2); 90.61; and 90.87.

⁴¹ Appendix B, Proposed Rule §§ 90.179(a) and 95.65(b)(6).

⁴² See reference at fn. 13, *supra*.

security of the property for all using it is necessarily under the control or supervision of some third party, not necessarily the licensee. In such circumstances, we sought to find some way in which each licensee sharing a facility could retain a right of access to the site and thus to the transmitter, and our proposed rule included such a requirement. While we can visualize circumstances in which unlimited or unrestricted access may not be feasible, we feel the generic requirement should be kept, especially in multiple licensing situations. Our modified rules would do so.⁴⁷

(b) Joint and Several Operating Responsibility

69. Our plan was to require all persons jointly licensed to use and operate a common facility to be both jointly and severally responsible for the transmitter shared. The parties pointed out that this was an impractical and unfair requirement; that more properly each licensee should be held accountable for his or her individual use and operation of the shared system; and that in the circumstances the rule should not be adopted. We agree. Under multiple licensing each licensee can be held accountable for his or her use and operation of the shared facility; and we think it more equitable that such responsibility be limited as suggested.

(c) Prior Consent for Participation

70. In our original plan, we proposed a rule which would have required all persons sharing a particular facility to consent to the addition of any new participant. The parties thought this unreasonable, since any one participant for any reason could refuse to consent to new users being added. The consequence might well be to drive the costs up to a point at which sharing would not be beneficial. Moreover, the need for the rule was questionable, since any dissatisfied user, as a licensee, could move off the shared facility and establish his or her own station, either at the same site or at some site nearby. We agree with these views. Under multiple licensing, licensees normally have freedom to change facilities or to construct ones of their own using the same frequency assignments. This seems a sufficient safeguard and, accordingly, we plan to drop this proposal in the bands below 512 MHz.

(d) Payments Among Participants

71. We also planned to forbid payments between persons sharing

common transmitting facilities under multiple licensing. This we had thought desirable to distinguish multiple licensed sharing arrangements from cooperative use, thereby drawing an absolute and very definitive line between the two. However, a number of parties resisted this approach, pointing out that in many instances persons furnishing service, e.g., equipment companies, have legitimate communication requirements of their own. In such circumstances, the option would be for such equipment companies to build a second facility for their needs, keeping separate ones for use by their customers. Upon review, we are persuaded to drop the requirement. However, in those instances in which an equipment company shares a particular facility, that company must have independent communication requirements, and it must use the shared facility to meet those requirements, not for other purposes. If these guidelines are followed, we feel our regulatory purpose will be served. However, we are inviting specific comment on this feature of the modified plan.

(e) System Designator

72. To better identify multiple licensed facilities and to account for the number of persons being accommodated through them, we proposed assigning a "system designator" to each shared repeater or shared base/mobile system. Since that time, we have found other ways to identify such facilities, including the licensees sharing them and the number of mobile units served. One method is through our modern computer resources. In these circumstances, we no longer have a need for the "system designator," and the rules relating to it are eliminated.

(f) Termination of Use

73. It had been our plan to require licensees to notify us of termination of use of a particular facility, and to submit their licenses for cancellation within a specified time. This proposal was far too restrictive, we think. Also, we did not take into account those situations in which licensees might want to continue to use their assigned channels, perhaps at different sites; and we did not consider the status of the licenses in terms of their expiration dates. Overall, we now feel the requirements would result in confusion and greater burdens on the licensees than are warranted. Accordingly, this proposal is being dropped.

E. Miscellaneous Matters

1. Sharing Between Parent and Subsidiary Corporations

74. A number of parties expressed concern that the proposed rules would require the subsidiaries of a common parent corporation to follow cost-sharing procedures, e.g., in terms of the records to be kept and the reports to be filed with the Commission. We did not intend this. Where a communication service is provided by a subsidiary to its parent or to a sister subsidiary, cost sharing, as such, is not involved. The revised rules set out at *Appendix B* to this *Tentative Decision* should be so construed.

2. Sharing Among Joint Ventures

75. A similar concern was voiced by TAPS Communication Association, but its focus was on the application of the cooperative use rules to joint ventures. We feel the same policy would apply as in the case of parent and subsidiary, i.e., if the communication service is provided essentially to the same entity or party-in-interest, then cooperative use is not involved. There may be special circumstances where we would not reach this conclusion, but as a general rule this is the policy we will follow.

3. Identification of Persons Providing Dispatch Services

76. As a means of assuring compliance with our packaging policy, we had planned to require the filing of an annual report as to all cooperative use arrangements. In this report, the licensee was to furnish the name of any person employed to perform dispatch services for participants. See Proposed Rule Section 89.13(e)(2), *Appendix, NPRM*, Docket No. 18921. As to multiple licensing, there was a similar requirement. See Proposed Rule Section 89.15(b)(3), *Appendix, NPRM*, Docket No. 18921. There was confusion as to whether or not we intended the requirement to apply to "employees" of a licensee. While we plan to drop the packaging policy, we will clarify our purpose by stating that we did not expect any report or information as to "direct employees" of the licensee-only as to persons normally classified as third parties, that is persons not on the regular payroll of the licensee.

4. Public Notice Proposal

77. The radio common carriers requested that public notice be given for all applications proposing cooperative use or multiple licensing and that interested persons be afforded an opportunity to protest. See Section 309 of the Communications Act of 1934, as amended, as implemented at Section

⁴⁷ *Appendix B*, Proposed Rules §§ 90.181 and 95.60.

1962 of the Rules. This was not an area in which we requested comments. We had concluded earlier that such procedures were not necessary. See *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 515.

78. Nevertheless, NARS (TNA) and others again requested such procedures, arguing that the dangers of non-compliance with the rules by applicants for cooperative use and multiple licensed facilities were such as to require the services of "private attorney generals," i.e., carriers who would review pending applications and where appropriate file petitions to deny.

79. Except for the reassertion that such a need exists, NARS (TNA) and others with this view presented no new information to support their conclusion. Further, it is apparent that such petitions could be used by carriers as a dilatory tactic to postpone commencement of private service. This would not be in the public interest, we believe. Policy issues as to licensing that are raised repetitively are appropriate subjects for rule making and should be handled as such rather than on an ad hoc basis. Further, we have administered cooperative use and multiple licensing arrangements for many years, and we have found no evidence to support the contention that there is a need for "private attorney generals" to review applications for such arrangements. Our rules will define the types of sharing we will allow and the conditions under which these arrangements will be authorized, and they provide ample processing safeguards. Eligibility standards formulated through rule making, as stated earlier in this proceeding, are preferable to case-by-case determinations. Moreover, as we also noted earlier, the procedures sought by the carriers would have an adverse impact on our ability to process the large volume of land mobile applications which we receive each day. See *Multiple Licensing—Safety and Special Radio Services*, *supra*, at p. 515. In our estimation, based on our experience, this disruptive effect would not be offset by any benefit to be gained from these procedures. Therefore, we affirm tentatively our earlier decision not to extend the Section 309 notice procedures to land mobile applications, except to the extent presently allowed.⁴⁸

5. Rule Consolidation

80. As we noted earlier, Parts 89, 91, and 93 of our rules have been consolidated into a single Part 90. We therefore propose to consolidate our rules governing multiple licensing and

cooperative use into the rule provisions under this New Part 90. See *Appendix B* to this *Tentative Decision*. Part 95 provisions, however, will continue under that part.

III

Further Notice of Inquiry and Proposed Rulemaking

A. Scope and Purpose

81. As indicated earlier, we feel we have reached a stage in our deliberations where we can tentatively adopt certain policies and conclusions on the points discussed above under Section II. We have set out the bases for these policies and conclusions, and we have given our reasons for rejecting tentatively the arguments opposing our views. We recognize, however, that many of the factors underlying our 1970 *Notice*, on which the comments were based, have evolved in the intervening eleven years. For example, our views on the appropriate regulatory structure for common carrier communications have evolved substantially and are still in a state of flux.⁴⁹ There have been innovations in the Commission's licensing approach in the private services, such as the advent of the Specialized Mobile Radio entrepreneur.⁵⁰ The Commission has introduced competition not only within given services, but also between and among services, in order to increase consumer choices.⁵¹ And not the least,

⁴⁸ For example, the *Specialized Carrier* proceeding, which opened up the common carrier private line field to competition, was initiated by the adoption of a Notice of Proposed Rule Making in this proceeding, *Specialized Carriers* (Docket 18920), 24 FCC 2d 318 (1970). In 1971 a policy of open entry was adopted, 29 FCC 2d 870 (1971), *off'd sub nom.* *Washington Utilities and Transportation Commission v. FCC*, 523 F. 2d 1142 (9th Cir.), *cert. denied* 423 U.S. 836 (1975). For other major common carrier regulatory policy changes, see *American Telephone & Telegraph Co. v. FCC*, 572 F. 2d 17 (2nd Cir.), *cert. denied*, 439 U.S. 875 (1978) (resale and shared use of private lines); *MCI Telecommunications Corp. v. FCC*, 561 F. 2d 365 (D.C. Cir. 1977), *cert. denied*, 434 U.S. 1040 (1978) (authorization of Execunet service); *Docket No. 19528*, 56 FCC 2d 583 (1975), 58 FCC 2d 736 (1976), *off'd sub nom.* *North Carolina Utilities Commission v. FCC*, 522 F. 2d 1036 (4th Cir. 1977) (terminal equipment). See also *Second Computer Inquiry, Final Decision*, 77 FCC 2d 384 (Memorandum Opinion and Order, 84 FCC 2d 50 (1980), *recon. pending, rev. pending sub nom.* *Computer and Communications Industry Association v. FCC*, D.C. Cir. No. 80-1471; *Further Notice of Proposed Rulemaking* in Docket No. 79-252, 84 FCC 2d 445 (1981).

⁴⁹ See *Second Report and Order* (Docket 18262), 46 FCC 2d 752 (1974), *recon. in part*, 51 FCC 2d 945, *clarified*, 55 FCC 2d 771 (1975), *off'd sub nom.* *National Association of Regulatory Utility Commissioners v. FCC*, 525 F. 2d 630 (D.C. Cir.), *cert. denied* 425 U.S. 982 (1976).

⁵⁰ See, e.g., *Specialized Carriers*, *supra* note 49 (competition between and among private line carriers), *New York Telephone Co.*, 47 FCC 2d 468,

there has been dramatic growth in the use of both private and common carrier mobile communications. In order to consider what, if any, forms of regulation are necessary, appropriate, and desirable for communications needs now served by cooperatively used and multiple licensed private radio systems, we believe it proper to let interested parties restate or update their positions, and accordingly we have tied our *Tentative Decision* here to a *Further Notice of Inquiry and Proposed Rulemaking*. Parties are invited to address any of the issues discussed above concerning the *Tentative Decision* as well as the points below. Separate analyses of (a) the applicable current law; and (b) desirable future policies, together with changes needed in statutes or regulations to accomplish those policies, would be helpful.

B. Matters and Issues to be Addressed

82. In addition to general comments, we ask for specific views, data, and briefs of law on the following subjects:

(a) *Characteristics of Common Carriage*. Do such characteristics as (1) provision of equipment and related services by profitmaking third-party entrepreneurs, (2) particular advertising practices, (3) interconnection to the telephone network, (4) failure to observe strict cost sharing, (5) profit making by one or more members directly from cooperative radio activities, or (6) lack of proprietary interest (e.g., lease or ownership) in facilities make it necessary or desirable, as a matter of law or policy, that some multiple licensed or cooperatively shared private radio systems be classified as common carriers?

(b) *Forbearance*. Assuming arguendo that at least some cooperative or multiple licensed private radio systems might be or should be classified as common carriers, may the Commission forbear, as a matter of law, from exercising its Title II powers? ⁵² Is such forbearance desirable as a matter of policy, particularly in terms of its effects on the actual users of cooperative and multiple licensed radio communications systems? ⁵³ If so, what changes in statutes or regulation might be necessary or desirable to achieve such

recon. denied, 49 FCC 2d 264 (1974), *off'd sub nom.* *Pocket Phone Broadcast Service, Inc. v. FCC*, 538 F. 2d 447 (D.C. Cir. 1976) (competition between mobile carriers); *Above 890*, 27 FCC 359 (1959) (competition between private and common carrier microwave users).

⁵² See *NARUC v. FCC*, 525 F. 2d 630, 640 n. 46 (1976).

⁵³ On the policy of forbearance, see generally *Deregulation of Telecommunications Service*, 84 FCC 2d 445 (1981), at 471 *et seq.*

⁴⁸ See 47 CFR § 1.962.

forbearance for cooperative and multiple licensed systems?

(c) *Third Party Licensing.* Would direct licensing of any entrepreneurs now providing equipment or services to cooperative and multiply licensed private radio systems be permissible as a matter of law?⁵⁴ Is either mandatory or voluntary licensing of such entrepreneurs a policy that would benefit either the users of these systems or the public interest? What would be the advantages and disadvantages of allowing or requiring the provision of radio communications services to current users of cooperative and multiply licensed systems in a manner analogous to the rules applied now to the Specialized Mobile Radio Service above 800 MHz?

(d) *Interservice Competition between Private Radio and Common Carriers.* To what extent is competition permissible or desirable between at least some cooperative/multiply licensed private radio systems and common carrier systems in the provision of land mobile radio communications? Should cooperative or multiply licensed systems be differentiated from other private systems in this regard? Should and how may the Commission assess the effects of interservice competition differentially as it affects (1) common carriers, (2) third-party profit making radio entrepreneurs not classified as common carriers; (3) the ultimate users of cooperatively shared or multiply licensed private radio systems, and the public at large?⁵⁵

(e) *Benefits.* What are the relative benefits of common carrier service contrasted to that provided by equipment companies to eligibles in the private services under competitive marketplace conditions? In this connection, consideration should be given to such factors as spectrum efficiency, effective spectrum utilization, availability of service, economics of the several service offerings, and the ability of system operation to satisfy the needs and desires of the users.

(f) *Proposed Rules.* Are the regulations proposed needed and reasonable? Are they sufficient to assure compliance with the underlying policies governing cooperative use and multiple licensing in the private services; and

what, if any, additional limitations or restrictions should be imposed?

(g) *Packaging Policy.* Should the packaging policy be retained?

(h) *Cooperative use.* Should licensees be required to submit their plans for sharing radio equipment for approval by the Commission prior to providing service to participants? Should annual reports be required? What records should the licensees keep? Should the line of demarcation between cooperative use and multiple licensing be drawn as rigidly as contemplated under the original proposal or should the more flexible approach now proposed be followed?

(i) *Multiple Licensing.* Should the Commission prohibit payments among persons sharing radio facilities under multiple licensing? Would such a limitation be useful in maintaining a distinction between multiple licensing and cooperative use arrangements? What records should persons sharing facilities under multiple licensing be required to keep? What reports should the licensees make to the Commission?

IV

Statement in Compliance with Regulatory Flexibility Act

83. The proposed regulatory plan is designed to clarify the types of sharing arrangements to be allowed in the private land mobile radio services and to define the duties and responsibilities of licensees and users under each. Such new regulations appear to be needed to clarify current Commission practices. Such uncertainties as exist have given rise to controversies both in the courts and before this agency, and these are costly and time consuming and impact adversely on the parties affected.

84. The proposed plan of regulation is formulated under the provisions of the Communications Act of 1934, as amended. However, its legal bases has been questioned, principally by radio common carriers licensed under Part 22 of the Commission's Rules, 47 CFR Part 22. This matter is under review, and the Commission expects to resolve it in a final report and order in this docket. While the objective is to clarify and simplify the Commission's practices as they relate to the sharing of equipment in the private services, this may not be possible. More stringent regulations may have to be adopted, and resolution of the legal issues may even require restructuring of the private land mobile industry.

85. This industry is a complex one. On the supply side, the small businesses most likely affected will be equipment companies and certain manufacturers

furnishing radio equipment to licensees and users, site owners, site management companies, maintenance enterprises, and sales and service organizations. On the user side, we estimate there are about 100,000 licensees, that depend upon radio communication capabilities furnished through the suppliers. These licensees share approximately 20,000 jointly licensed radio systems spread throughout the United States. We further estimate there are as many as 750,000 mobiles owned or controlled by the licensees sharing such radio systems.

86. Depending upon what final decisions are made and upon the rules adopted, the radio common carrier industry could be affected too. Not all, but a significant number of the carriers are small business enterprises. These concerns offer radiotelephone, paging, and dispatch services to their customers in many areas of the United States. These carriers have alleged economic harm, unfair and unjust competition, and other adverse consequences as a result of the sharing arrangements mentioned. This matter is to be decided in this proceeding, and, depending upon the decision made, the impact on the carriers may be great. While we can give no firm estimate of either the number of carriers, suppliers, or licensees of private radio systems that may be affected by our decision, we can say that overall the number of persons directly involved by actions taken in this rule making are in the 100,000-to-200,000 range, taking into account all private and carrier licensees, the related supply organizations, associated distribution and sales concerns, maintenance organizations, site owners and managers, and like small-business support enterprises.

87. As to reporting and record keeping functions that might flow out of the rule making, that is not definite. If the rules proposed are adopted, reporting and record keeping requirements would be minimal. But should persuasive arguments be made for more stringent requirements, their complexity could be great and the costs of compliance heavy, giving consideration to the economic size of the entities involved. Further, if the marketing structure of the industry has to be adjusted to meet the new regulatory format, the cost impact on the small businesses could be very large. As to duplication of other Federal rules, none appears to be involved; and there would not appear to be any overlap or conflict between the rules proposed or those that may be adopted and other Federal regulations pertaining to the subjects under consideration.

⁵⁴ Cf. 525 F.2d 630, at 634-645.

⁵⁵ Economic injury to a licensee has not per se been considered a valid ground for objections to competition. *New York Telephone Co.*, supra n. 51, at 495. "That an existing carrier might be affected adversely . . . is not our chief concern. Injury to the overall public interest and the public's ability to receive adequate communications services are the circumstances to be avoided." *Commonwealth Telephone Co.*, 61 FCC 24 246 (1976), at 253.

88. At this time, it is not possible to determine whether or not the small business concerns potentially impacted by the rule requirements or by potential legal limitations could be accommodated through "performance" as a standard for compliance as opposed to "program design." Considerations of those types do not seem to be particularly applicable to the issues and programs that are the subject of this proceeding. Nonetheless, this matter will be decided in our final regulatory flexibility analysis, and adjustments of the types mentioned will be made where we find them to be legal and feasible. Further, we will look to possible total exemption from the new rules and policies if that appears to be necessary and if applicable law will permit this. Additionally, while we believe that the plan of regulation proposed reduces to a minimum the impact potential on the small business concerns involved, consistent with the requirements of law and the duty of the Commission to regulate sharing plans of the types described, and while we feel that any alternative plan would increase potential burdens on small enterprises, the Commission is willing to consider any alternative to further simplify compliance and reporting requirements, and the issues framed contemplate showings of this type.

89. Accordingly, these matters considered, notice is given that the actions taken in this rule-making proceeding may have a significant economic impact on small business entities. All such business concerns are thus encouraged to participate, and the Commission will entertain suggestions from businesses in this class as to how their views can best be presented for consideration.

V

Summary and Conclusion

90. Based on the above considerations, we have reached tentative conclusions as to the matters in issue. However, these conclusions are not final decisions; final determinations will be made ultimately in our report and order in this proceeding and the rights of all parties will be preserved in the interim.

91. For purposes of this non-restricted notice and comment inquiry and rule making, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of inquiry and proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming

meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of the presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR § 1.1231.

92. Accordingly, it is ordered, pursuant to Sections 4(i), 4(j), 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j), and 303(r) and 403, that the policies and conclusions set forth in Section II of this document are adopted as a *Tentative Decision* in this Docket No. 18921, subject to further review herein. In accordance with Section III of this document, further rule making is hereby commenced and notice thereof is hereby given. Interested persons may file comments on both aspects on or before July 21, 1981 and reply comments on or before August 10, 1981.

All relevant and timely comments filed in accordance with Sections 1.415 and 1.419 of our Rules and Regulations (47 CFR §§ 1.415 and 1.419) will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in its final decision.

93. In accordance with the provisions of Section 1.419 of the Rules and Regulations, 47 CFR § 1.419, formal

participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

94. It is further ordered, That this proceeding shall be subject to further order by the Commission.

95. It is further ordered, That the Secretary shall cause a copy of this decision to be published in the Federal Register.

96. It is further ordered, That the Secretary shall cause a copy of this *Tentative Decision*, and this *Further Inquiry and Notice of Proposed Rule Making* to be served upon the Chief Counsel for Advocacy of the Small Business Administration.

97. For further information concerning this rule making contact John B. Letterman, Mobile and Fixed Radio Branch, Private Radio Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 634-2443.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Federal Communications Commission.

William J. Tricarico,
Secretary.

Appendix A—Parties to the Proceeding Parties Filing Comments

A-1 Safety Supply Company, Inc.
Association of American Railroads (AAR)
C&C Equipment Company
California Citizens Band Assn., Inc.
Central Committee on Communication Facilities of the American Petroleum Institute (API)
Chalfont Communications
Communications Engineering, Inc.
Graham 2-Way Radio, Inc.
Industrial Communications Systems, Inc.
Land Mobile Section, Industrial Electronics Division, Electronic Industries Association (EIA)
National Association of Business and Educational Radio, Inc. (NABER)
National Association of Radiotelephone Systems (NARS)
Orleans Parish Medical Society
Radio Communications, Inc.
Radio Systems, Inc.
Special Industrial Radio Service Association, Inc. (SIRSA)
TAPS Communications Association

Utilities Telecommunications Council (UTC)

Parties Filing Reply Comments

Chalfont Communications
National Association of Radiotelephone
Systems (NARS)

Appendix B—Proposed Rules

Parts 90 and 95 of the Commission's Rules are amended as set forth below.

1. Section 90.179 is revised to read as follows:

§ 90.179 Cooperative use of radio stations in the mobile radio service.

Arrangements may be made between two or more persons for the cooperative use of radio facilities provided all persons sharing the use of a station are eligible to hold licenses to operate the facility shared.

(a) *Agreements relating to control.* (1) A group of persons eligible for licensing on the frequency or frequencies to be cooperatively used may share base station(s) and associated mobile stations, control stations, or control points licensed to one member of the group, provided there is maintained with the records of the station a copy of the agreement under which such shared use is to take place. Such agreement shall provide that the licensee of the shared station(s) shall be responsible for, and be in control of, all of the shared radio facilities.

(2) Participants to cooperative use arrangements may either obtain a separate license to cover the mobile transmitters, control points or control stations which they use; or the mobiles, control points, or control stations may be included in the license for the base station(s) from which service is rendered. In the latter case, the cooperative use agreement shall specifically cover use of the mobile units and control points or control stations and verify that the licensee will be responsible for, and in control of, these facilities. If associated control points or control stations are separately licensed for use in conjunction with the shared base station(s), such additional equipment or devices as may be necessary to permit the licensee to exercise primary control over the station(s) must be included in the design of the system.

(b) *Contributions to costs.* Cooperative use may be offered without cost to the participants, or contributions to capital and operating expenses may be accepted by the licensee. If contributions are accepted by the licensee, this must be on a cost-sharing basis with all such contributions prorated equitably among all persons

who are parties to the cooperative use arrangement. Records which reflect the participant's eligibility to use the system and, where appropriate, the cost of the service and its nonprofit, cost-sharing nature shall be maintained by the base station licensee with the records of the station(s). Upon reasonable request, these records shall be made available for audit or inspection by the Commission.

(c) *Letter to accompany application.* Each applicant for a mobile station or for control points or control stations proposing to receive service under a cooperative use agreement shall file with the application(s) for the station(s) a letter from the licensee of the associated base station(s) indicating that the proposed cooperative use has been agreed to.

(d) *Addition of sharers.* The licensee may add participants to the system at any time and permit them to use mobile stations and control points or control stations included in his authorization. However, any increase in mobile stations or changes in the number or location of control points or control stations must comply with the requirements of Section 90.135.

2. Section 90.181 is removed and the following rule is substituted.

§ 90.181 Multiple licensing of radio transmitting equipment in the mobile radio service.

Two or more persons eligible for licensing on radio frequencies on which a jointly licensed system operates may be separately authorized to share the use of the same transmitting equipment, provided:

(1) The frequency or frequencies upon which the shared radio equipment operates shall be available for assignment, on an individual basis, to each of the participants.

(2) Each licensee shall be accorded unlimited and unconditional access to all shared transmitting equipment for inspection and maintenance or such other purposes as are consistent with his or her status as licensee.

3. Section 90.61 is revised to read as follows:

§ 90.61 General eligibility.

In addition to the eligibility shown in each Industrial Radio Service, eligibility is also provided for any corporation proposing to furnish nonprofit radiocommunication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary engaged in any of the eligible activities set forth in the particular service involved. Eligibility is also provided, except in the Business

and Special Industrial Radio Services, for a non-profit corporation or association that is organized for the purpose of furnishing a radiocommunication service to persons eligible in the same radio service and actually engaged in permissible activities in the particular service involved; *provided, however*, the provision of service to such eligible persons shall be subject to the requirements of Section 90.179 of this rule Part; and, *provided further*, that the limitations as to Business and Special Industrial Licensees shall not apply to radio systems licensed under Part 90 in the 806–821 MHz and 851–866 MHz bands.

4. Section 90.87 is revised to read as follows:

§ 90.87 General eligibility.

In addition to the eligibility shown in each Land Transportation Radio Service, eligibility is also provided for any corporation proposing to furnish nonprofit radiocommunication service to its parent corporation, to another subsidiary of the same parent, or to its own subsidiary engaged in any of the eligible activities set forth in the particular service involved. Eligibility is also provided for a non-profit corporation or association that is organized for the purpose of furnishing a radiocommunication service to persons eligible in the same radio service and actually engaged in permissible activities in the particular service involved; *provided, however*, the provision of service to such eligible persons shall be subject to the requirements of Section 90.179 of this rule Part.

§ 90.183 (Removed)

5. Section 90.183 is removed *in toto*.

6. Section 95.65 (b) (6) and (c) are revised to read as follows:

§ 95.65 Operation by, or on behalf of, persons other than the licensee.

• • • • •
(b) • • • • •

(6) Other persons, under the following circumstances:

(i) Licensee is a corporation and proposes to provide private radiocommunication facilities for the transmission of messages or signals by or on behalf of its parent corporation, another subsidiary of the parent corporation, or its own subsidiary.

(ii) Licensee proposes the cooperative use of a station with one or more other licensees in the service for the purpose of communicating on a regular basis

with units of their respective stations, or with units of other stations if the communications transmitted are otherwise permissible. The use of these private radiocommunication facilities shall be conducted pursuant to an agreement acknowledging that the licensee shall have full control over the shared facilities; and where contributions to capital and operating expenses are made by participants to the licensee, the agreement shall require all such contributions to be on a nonprofit, cost-sharing basis, the costs to be divided equitably among all parties to the agreement. Records which show the nonprofit, cost-sharing basis of the arrangement shall be maintained by the licensee and, upon reasonable request, these records shall be available for audit or inspection by the Commission.

(iii) Other cases, where there is a need for other persons to operate a unit of licensee's radio station. Requests for authority may be made either at the time of the filing of the application for station

license or thereafter by letter. In either case, the licensee must show the nature of the proposed use and that it relates to an activity of the licensee and how he proposes to maintain control over the transmitters. Such arrangements may be implemented by the licensee unless within 30 days of the date of filing the request, the Commission directs otherwise.

(c) An individual who was formally a station licensee shall not be permitted to operate any station of the same class licensed to another person until such time as he again has been issued a valid radio station license, when his license has been:

- (1) Revoked by the Commission.
- (2) Surrendered for cancellation after the institution of revocation proceedings by the Commission.
- (3) Surrendered for cancellation after a notice of apparent liability to forfeiture has been served by the Commission.

7. Section 95.66 is added to read as follows:

§ 95.66 Multiple licensing of radio transmitting equipment in the mobile radio service.

Two or more persons eligible for licensing in this service may be separately authorized to share the use of the same transmitting equipment, provided:

(a) The frequency upon which the radio equipment operates shall be available for assignment, on an individual basis, to each of the participants.

(b) Each licensee shall be accorded unlimited and unconditional access to all shared transmitting equipment for inspection and maintenance or for such other purposes as are consistent with his or her status as licensee.

§ 95.67 [Removed]

8. Section 95.67 is removed *in toto*.

[FR Doc. 81-18256 Filed 6-18-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register

Vol. 46, No. 118

Friday, June 19, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Routt National Forest Grazing Advisory Board; Meeting

The Routt National Forest Grazing Advisory Board will meet July 23, 1981 at the Routt National Forest Supervisor's Office, Hunt Building, 137 10th Street, Steamboat Springs, Colorado. The board will leave at 9:15 a.m. to review the California Park Cattle Allotment.

Other business will include: 1) a short business meeting; 2) review proposed plant control and reseeding projects; 3) recommendations concerning the development of allotment management plans.

The meeting will be open to the public. Persons who wish to attend and participate should notify Les Clark or Jim Webb, Routt National Forest (303-879-1722) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Jack Weissling,

Forest Supervisor.

June 12, 1981.

[FR Doc. 81-18251 Filed 6-18-81; 8:45 am]

BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Docket 39072]

Trans World Airlines, Inc.; Complaint Requesting Relief From Unfair and Discriminatory Pricing Practices in Germany; Order Terminating Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of June, 1981.

On December 17, 1980, Trans World Airlines, Inc. (TWA) filed a complaint with the Board under section 23 of the

International Air Transportation Act of 1979 (IATCA) against the Federal Republic of Germany and its national flag carrier, Lufthansa German Airlines (Lufthansa). The complaint stated that the German authorities have violated the Protocol to the United States-Federal Republic of Germany Air Transport Services Agreement (Agreement) by unreasonably and unjustifiably restricting TWA's ability to offer competitive fares in the United States-Germany market, ex-Germany, and have unjustly discriminated against TWA in favor of Lufthansa. TWA requested the Board to take remedial action under sections 9 and 23 of the International Air Transportation Competition Act of 1979 (IATCA).

On June 15, 1981 TWA filed a motion requesting the termination of this proceeding. In support of its motion, TWA states that it has reached a satisfactory compromise resolution with Lufthansa on the issues contained in its complaint; that no further United States governmental action is necessary; and that in light of these facts this proceeding should be terminated without prejudice. The carrier asks that this be done immediately without waiting for answers to the motion, since the 180 days allowed for remedial action by section 23 of IATCA is about to expire.

We have decided to grant TWA's motion.

By Order 81-2-68, February 13, 1981, we found that by refusing to allow TWA to match the promotional fares of Lufthansa, the Federal Republic of Germany has, over the objections of the U.S. Government, "impaired, limited or denied" the operating rights of a U.S. air carrier under the U.S.-Federal Republic of Germany Agreement and has engaged in "unfair, discriminatory or restrictive practices with a substantial adverse competitive impact upon" a U.S. air carrier (§ 402(f)(2)). We also found that the Federal Republic of Germany's disapproval of TWA's fares constitutes "unjustifiable or unreasonable discriminatory, predatory or anticompetitive practices against a U.S. air carrier," and "unjustifiable or unreasonable restrictions on access of a United States air carrier" to a foreign market [section 2 of the International Air Transportation Fair Competitive Practices Act of 1974, as amended (FCPPA)]. We further found that in the

absence of a satisfactory resolution of these disapprovals at future consultations, the public interest requires the board to invoke sanctions in accordance with the provisions of section 2 of the FCPA. The Departments of State and Transportation concurred in our findings and conclusions. We decided, however, to defer imposing any specific sanctions pending negotiations with the Federal Republic of Germany on the issues raised by TWA's complaint.

Discussions between the Government of the United States and Germany did not produce an immediate resolution of the problem. However, the Governments contemplated that TWA and Lufthansa would meet to discuss interline arrangements for the Holiday fare. Based on information provided by TWA, the FRG Government has agreed to permit TWA to match the discount fares at issue in this proceeding on a connecting basis via Frankfurt from two off-line German cities of TWA's choice. These points may be changed on thirty days notice. The discussions between the carriers led to an agreement whereby Lufthansa would accept a 90 percent pro rate of the local published fare for the intra-Germany segment of the service.

In light of the above, we will terminate this proceeding without prejudice. Our action here does not reflect a change in our statutory findings in Order 81-2-68. We continue to hold that by refusing to allow U.S. carriers to match Lufthansa without limitation, the FRG has effectively denied TWA rights to which it is entitled under the Protocol. Furthermore, notwithstanding the fact that TWA instituted this proceeding by filing a complaint against the FRG Government and Lufthansa, this is not purely a private action. There is a broader governmental and public interest which must be satisfied before we can dispose of IATCA proceedings. In this particular case, we have determined that TWA's request is consistent with our broader responsibilities, and therefore that it would not be in the public interest to impose any sanctions. On the other hand, we plan to continue intergovernmental discussions on the serious issue raised in this proceeding. In addition, we are of course prepared to reopen the issue—by application or on our own initiative—should the actual

implementation of the agreement not match our current expectations. We have consulted with the U.S. Departments of State and Transportation in reaching this decision.

Our action does not allow time for a response by interested parties to TWA's motion. Section 2 of the FCPA imposes a deadline within which we must take remedial action. To insure that complaints filed under section 2 receive prompt attention, the section provides that the Board shall approve, deny, dismiss or set a complaint for hearing, or institute other proceedings proposing remedial action, within 60 days after receipt of the complaint. We may extend the period for taking action in increments of 30 days if we conclude that it is likely that the complaint can be satisfactorily resolved through negotiations during the additional time. However, in no event may the aggregate period for taking action exceed 180 days from the receipt of the complaint. The complaint was filed on December 17, 1980, 180 days from which is June 15, 1981. To meet the statutory deadline, therefore, we must act immediately and cannot wait for any answers to TWA's motion to be filed.

Accordingly:

1. We terminate the investigation in Docket 39072 without prejudice;
2. We shall serve this order upon Trans World Airlines, Inc., Lufthansa German Airlines, Pan American World Airways, Inc., KLM Royal Dutch Airlines, the Ambassador of the Federal Republic of Germany in Washington, D.C., and the Departments of State and Transportation; and
3. We may amend, modify or revoke this order at our discretion without hearing.

We shall publish this order in the Federal Register.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-18261 Filed 6-18-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 39722]

Proposed Authorization for Providing Priority Air Service; Emergency Air Transportation Requirements

It appears that the members of the Professional Air Traffic Controllers Organization (PATCO) may be contemplating a nationwide strike or job action against the Federal Aviation Administration (FAA) on or about June 22, 1981, if the issues involved in their contract negotiations are not resolved by that date. In anticipation of such a

possibility, the FAA published a National Air Traffic Control Contingency Plan for Potential Strikes and other Job Actions by Air Traffic Controllers. (45 FR 75100, November 13, 1980) A nationwide strike by the PATCO would severely limit the number of airline flights that are normally scheduled to provide air transportation to the travelling and shipping public. Under the FAA plan, a certain number of airline flights are planned to be permitted to operate within certain rigid constraints to maintain safety of flight.

Under these stringent limitations, the reduced number of airline flights that may be available to serve the public will necessitate the imposition of controls to assure the air transportation of persons and property designated to be essential to the nation's security, health and safety.

Under the provisions of the Defense Production Act of 1950, as amended (DPA), the Secretary of Transportation is delegated authority to establish priorities of movement of persons and property to deal with disruptions to normal transportation services. Implementation of this authority requires a finding by the Secretary that a transportation emergency exists which necessitates the immediate exercise of powers under the DPA to accomplish the transportation of persons, property and U.S. mail essential to national needs. The Secretary, in turn, may delegate these powers to Federal agencies concerned with regulating the transportation mode(s) affected. Thus, in the event of a finding of a civil air transportation emergency, the Secretary could delegate the priorities authority of the DPA to the Chairman, Civil Aeronautics Board. Such a delegation to the Chairman would indicate the nature of persons and property to be given priority in air transportation by U.S. air carriers.

So that the airline industry and the public may know in advance of the emergency measures we intend to take regarding the priority movement of persons and property on the airlines during the anticipated PATCO strike, we are giving this notice to indicate our intention to issue an order, substantially in the form attached, if and when a delegation to the Chairman of the Board on this matter has been executed by the Secretary of Transportation.

We expect that any further orders on this subject would be issued by the Director of our Bureau of Domestic Aviation under authority that we hereby delegate to her.

Dated at Washington, D.C., June 17, 1981.

Phyllis T. Kaylor,
Secretary.

Attachment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the ————. Emergency Air Transportation Requirements, Docket 39722; order authorizing priority for movement of persons, property and U.S. mail during strike emergency.

The Professional Air Traffic Controllers Organization (PATCO) has announced that on ———— its members will strike. Such action will have a significant adverse effect on the normal operating capability of the U.S. Air Route Traffic Control (ARTC) system. To minimize the impact on the air transportation system which is dependent upon ARTC services, the Federal Aviation Administration (FAA) has implemented a priorities system for flight movements under its Contingency Plan for Potential Strikes or other Job Actions by Air Traffic Controllers.¹ The imposition of ARTC priorities for flight movement and the reduced operating capability of the ARTC system have disrupted flight operations of the air transportation industry. Under the FAA plan, a reduced number of normally scheduled air carrier flights are tentatively identified to be allowed to operate under the ARTC flight priorities shown in the plan and within certain rigid constraints to maintain air safety. The Department of Transportation (DOT) and the Federal Emergency Management Agency (FEMA) have also established a separate list of categories of persons and property that would be entitled to priority transportation on those flights that would be operating. It is this second list which is the subject of this order, under a delegation of authority described below.

As a result of the strike and its impact on the provision of air transportation services, the Secretary of Transportation has found that a civil air transportation emergency now exists. Therefore, acting under the authority of the Defense Production Act of 1950 as amended,² the Secretary has delegated the priorities and allocations authority assigned to him by the Director, Federal Emergency

¹Published in the Federal Register (see 45 FR 75100, November 13, 1980). The FAA order of flight priority, in general terms, is (1) air traffic movements required for national defense; (2) medical emergency flights; (3) long-range flights for which no reasonable alternative means of transportation exists, and (4) shorter-range flights capable of serving the most people or national needs.

²50 U.S.C. (App. 2061-2069).

Management Agency³ to the Chairman, Civil Aeronautics Board, by letter dated _____.

In the delegation to the Chairman, the Secretary requested that the necessary steps be taken to assure the prompt and efficient movement of an enclosed list of priority persons and property categories. Therefore, under the authority contained in the Federal Aviation Act of 1958, as amended, and the authority contained in Title I of the Defense Production Act of 1950, and Sections 101(b)(4) and 201(a) of Executive Order 10480, the Board will require all U.S. certificated air carriers and all commuter air carriers providing essential air service to give priority in interstate air transportation to the transportation of persons and property in the categories shown in the list attached to this order. There is no significance to the sequence in which the priority persons and property categories are listed. All such categories on the priority list are of equal status. Persons and property not included in the list may be transported after all priority traffic has been accommodated. However, nonpriority traffic, once loaded, should not be displaced by priority movements, nor should baggage accompanying passengers be displaced by priority property.

In order to facilitate the operations of certificated air carriers and commuter air carriers providing essential air service under the FAA contingency plan and our air priorities list, we will grant for interstate air transportation operations exemptions from the duty-to-carry in section 404(a) of the Act, the requirement to carry the mail upon request of the Postal Service, the requirement to observe tariff rules, and the requirement to pay denied boarding compensation to the extent these provisions would hinder a carrier's ability to operate under the FAA contingency plan and our priority list.⁴ We will also exempt these carriers from the provisions of sections 419 and 401(j) to the extent necessary to operate under the FAA contingency plan.

Finally, in this emergency situation, under the FAA's ARTC flight priority plan charter flights may not be able to transport charter passengers to their return destination. In order to avert hardships that may befall these passengers we will grant an exemption to all U.S. certificated air carriers and all foreign air carriers from the provisions of section 403 of the Act to

permit them to provide alternate transportation to stranded charter passengers on their scheduled service at the charter rate. While we urge carriers to try to accommodate these hardship situations, charter passengers and their baggage may not displace priority persons or property shown on the attached priority list.

Accordingly,

1. Certificated air carriers and all commuter air carriers designated by the Board to provide essential air service are directed during the pendency of the PATCO strike to insure that priority of movement is accorded the categories of persons and property named in the appendix to this order for operations in interstate air transportation;

2. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the following provisions of Title IV of the Federal Aviation Act to the extent necessary to establish transportation priorities for operations in interstate air transportation in accordance with the appendix;

(a) The duty in section 404(a) to transport persons upon reasonable request;

(b) The requirement of section 401(1) and in all certificates issued pursuant to section 401(d)(1) to carry mail upon request of the Postal Service where such requirement conflicts with the carrier's ability to establish transportation priorities in accordance with the appendix;

(c) The requirement to observe tariff rules where any such rules prohibit or otherwise prevent the carrier from establishing transportation priorities in accordance with the appendix;

3. We withdraw the exemption provided in § 291.31(a)(2) of our Economic Regulations from the requirements of Section 404(a) to carry property upon reasonable request, to the extent that this exemption conflicts with requests for transportation of property in the categories contained in the appendix;

4. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the appropriate provisions of sections 419 and 401(j) of the Act and appropriate Board orders to the extent that they would (a) prohibit flight reductions, terminations or suspensions of service required to comply with flight schedule plans established by the FAA for implementation by these carriers during the pendency of the PATCO strike and (b) require 60-day or 90-day notices of

such terminations, reductions, or suspensions;

5. We exempt all certificated air carriers and all commuter air carriers designated by the Board to provide essential air service from the requirements to pay denied boarding compensation and to provide the notices required in Part 250 of our Regulations for interstate air transportation operations to passengers who are denied boarding because of priority given to persons and property listed in the appendix;

6. We exempt all scheduled U.S. certificated air carriers and foreign air carriers from the provisions of Section 403 of the Act and Part 221 of the Board's Economic Regulations, insofar as the enforcement of Section 403 and Part 221 would prevent them from providing emergency transportation to charter passengers at the charter rate on a nonpriority basis;

7. The exemptions provided by this order shall expire upon notification from the Secretary of Transportation that a civil air transportation emergency no longer exists; and

8. This order is effective immediately.

This order shall be served on all U.S. certificated air carriers, all commuter air carriers designated by the Board to provide essential air service, foreign air carriers, the Department of Transportation, the Federal Emergency Management Agency, the Federal Aviation Administration, the Professional Air Traffic Controllers Organization, the Postmaster General and the Department of Defense.

This order shall be published in the **Federal Register**.

By the Civil Aeronautics Board.
Phyllis T. Kaylor,
Secretary.

Appendix—Air Transportation Priority List

There is no significance in the order of listing.

This listing establishes those categories of persons and things that are to be given movement preference over all other persons and things in order to assure the movement of essential traffic during the PATCO strike or job action. The list remains in effect until modified or rescinded.

Hospital and sick room supplies and equipment, including diagnostic devices and essential support utilities.
Pharmaceutical, biologicals, radiology material, whole blood and blood products, surgical textiles and instruments.
Medical laboratory supplies and equipment.
Professional dental supplies and equipment.
Professional veterinary supplies and equipment for support of animal and poultry production.
Electrical power and communication systems repair materials and equipment required

³ 44 CFR Part 322, as amended. (45 FR 53479, August 12, 1980.)

⁴ We will also withdraw the exemption from the section 404 duty to carry granted to All-Cargo air carriers by Part 291 to the extent that this exemption conflicts with our air priorities list.

for the continued supply of essential electric power and communications. Essential supplies and materials directly related to exploration, development and construction of energy producing systems. Material moving on government or commercial bills of lading specifically certified as essential by the uniformed services of the Departments of Defense and Transportation, Department of Energy or General Services Administration contract administrators. All material moving on government bills of lading issued by transportation officers. U.S. mail in accordance with emergency orders issued by the U.S. Postal Service. Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment, essential to the continuity of operation of water and sewage installations. Items necessary to the continued smooth functioning of the financial system, e.g., movement of checks, currency and coins. Government employees, military personnel and other persons traveling on official letter or travel orders, or military orders.¹ Carrier personnel designated to travel for the management, operation, control and coordination of company emergency service activities.

[FR Doc. 81-18398 Filed 6-18-81; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, or technology, and (D) exports of the

aforementioned commodities subject to the unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: July 22, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building Room 3708, 14th Street and Constitution Avenue, N.W., Washington, D.C. The meeting will conclude on July 23, in Room 5611 Main Commerce Building.

AGENDA: General Session—

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) A review of subcommittee activities:
 - a. Memory and Media,
 - b. Foreign Availability,
 - c. Display and Terminals, and
 - d. Export Regulations.
- (4) New Business.
- Executive Session**
- (5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT:

Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S.

Department of Commerce, Washington, D.C. 20230. Telephone: 202-377-2583.

Dated: June 12, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-18176 Filed 6-18-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Notice of Issuance of Permit

On April 3, 1981, Notice was published in the *Federal Register* (46 FR 20255), that an application had been filed with the National Marine Fisheries Service by Maine Department of Marine Resources, State House—Station 21, Augusta, Maine 04333, to accidentally take up to 20 harbor seals in the course of fisheries research.

Notice is hereby given that on June 10, 1981, the National Marine Fisheries Service issued a Scientific Research Permit, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) to Maine Department of Marine Resources subject to certain conditions set forth therein.

The Permit is available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service, 3300
Whitehaven Street NW., Washington, D.C.;
and
Regional Director, Northeast Region, National
Marine Fisheries Service, 14 Elm Street,
Federal Building, Gloucester,
Massachusetts 01930.

Dated: June 10, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-18164 Filed 6-18-81; 8:45 am]

BILLING CODE 3510-22-M

Inter-Council Swordfish Steering Committee; Meeting Admendment

AGENCY: National Marine Fisheries Service, NOAA.

ACTION: Notice of Change in Meeting Times and Meeting Location.

SUMMARY: The scheduled meeting of the Inter-Council Swordfish Steering Committee as published in the *Federal Register*, June 10, 1981 (46 FR 30679) has been changed as follows:

From: Convening on Monday July 20, 1981, at approximately 9 a.m., adjourning on Tuesday, July 21, 1981, at approximately noon, at the Caribbean Hilton International Hotel, San Juan, Puerto Rico.

¹ Includes travel documents issued by a Federal, state, municipal, local, U.S. territory or U.S. possession agency.

To: Convening on Monday, July 20, 1981, at approximately 1 p.m., adjourning at approximately 5 p.m.; reconvening on Tuesday, July 21, 1981, at approximately 8:30 a.m., adjourning at approximately 4 p.m., at the Holiday Inn Airport North, 1380 Virginia Avenue, Atlanta, Georgia. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407. Telephone: (803) 571-4366.

Dated: June 16, 1981.

[FR Doc. 81-18240 Filed 6-18-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Import Controls on Certain Cotton Apparel Products From the People's Republic of China

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import controls for Categories 334 (men's and boys' other cotton coats), 335 (women's, girls' and infants' cotton coats) and 338 (men's and boys' cotton knit shirts) produced or manufactured in the People's Republic of China and exported during (1) the ninety-day period which began on February 24, 1981 and extended through May 24, 1981 and (2) the twelve-month period which began on May 25, 1981 and extends through May 24, 1982.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, between the Governments of the United States and the People's Republic of China, consultations were requested on February 23, 1981 concerning imports into the United States of cotton apparel products in Categories 334, 335 and 338 from the People's Republic of China. Notice of the intention to hold these consultations was published in the *Federal Register* on February 26, 1981 (46 FR 14152). Under the terms of the bilateral agreement, the People's Republic of China is obligated to limit its exports to the United States of these products during the ninety-day consultation period which began on

February 24, 1981 and extended through May 24, 1981 to the following levels, in the event that no mutually satisfactory solution is reached during consultations:

Category	90-day level of restraint (dozen)
334	45,722
335	64,250
338	145,981

Under the terms of the bilateral agreement, the People's Republic of China is obligated to limit its exports to the United States of these products during the twelve-month period which began on May 25, 1981 and extends through May 24, 1982 to the following levels:

Category	12-month level of restraint (dozen)
334	148,694
335	201,956
338	482,124

Inasmuch as consultations with the Government of the People's Republic of China have not yet reached a mutually satisfactory solution, the United States Government has decided, in carrying out its responsibilities in implementing the aforementioned provisions of the bilateral agreement, to prohibit entry of imports of cotton textile products in Categories 334, 335 and 338, in excess of the ninety-day and twelve-month levels of restraint defined in the agreement. Should a satisfactory solution be reached in further consultations with the Government of the People's Republic of China, which are not now scheduled, notice will be published in the *Federal Register*.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On December 4, 1980, there was published in the *Federal Register* (45 FR 80324) a letter dated November 28, 1980 to the Commissioner for Customs from the Chairman of the Committee for the Implementation of Textile Agreements which established levels of restraint for certain categories of cotton and man-made fiber textile products, produced or manufactured in the People's Republic of China and exported during the twelve-month period which began on January 1, 1981. The notice document which preceded this letter described the consultation mechanism which applies to categories of textile products under

the bilateral agreement, such as Categories 334, 335 and 338, which are not subject to specific ceilings and for which levels may be established during the year. In the letter published below, pursuant to the bilateral agreement, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Categories 334, 335, and 338, produced or manufactured in the People's Republic of China and exported during both the ninety-day period which began on February 24, 1981 and extended through May 24, 1981 and during the subsequent twelve-month period which began on May 25, 1981 and extends through May 24, 1982, in excess of the designated levels of restraint.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

June 16, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, between the Governments of the United States and the People's Republic of China, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977; you are directed to prohibit, effective on June 19, 1981 and for the ninety-day period which began on February 24, 1981 and extended through May 24, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 334, 335 and 338, produced or manufactured in the People's Republic of China and exported on and after February 24, 1981, in excess of the following levels of restraint:

Category	90-day level of restraint ¹ (dozen)
334	45,722
335	64,250
338	145,981

¹ The levels of restraint have not been adjusted to reflect any imports after February 23, 1981.

You are also directed to prohibit, effective on June —, 1981, and for the twelve-month period which began on May 25, 1981 and extends through May 24, 1982, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textile products in Categories 334, 335, and 338, produced or manufactured in the People's Republic of China and exported

on and after May 25, 1981, in excess of the following levels of restraint:

Category	12-mo level of restraint ¹ (dozen)
334	148,694
335	201,956
338	482,124

¹The twelve-month levels of restraint have not been adjusted to reflect any imports after May 24, 1981.

Cotton textile products in Category 334, 335 and 338 which have been exported to the United States prior to February 24, 1981 shall not be subject to this directive.

Cotton textile products in Category 334, 335, and 338 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

In carrying out this directive, entries of textile products in Categories 334, 335 and 338 which have been exported to the United States on and after February 24, 1981 and extending through May 24, 1981, shall, to the extent of any unfilled balances be charged against the levels of restraint established for such goods during that period. In the event that the levels of restraint established for the period which began on February 24, 1981 and extended through May 24, 1981 have been exhausted by previous entries, such goods shall be subject to the levels established for the twelve-month period which began on May 25, 1981.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121).

In carrying out the above directions, the commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-18282 Filed 6-18-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1981 a military resale commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: June 19, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On February 27, 1981 and January 30, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 14373 and 46 FR 9982) of proposed additions to Procurement list 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the military resale commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following military resale commodity and service are hereby added to Procurement List 1981:

Military Resale Item No. and Name

No. 908, Broom, Plastic Filament, Angle Tilt

SIC 0782

Grounds Maintenance, Babe Ruth Field, Fort Ord, California

C. W. Fletcher,
Executive Director.

[FR Doc. 81-18213 Filed 6-18-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Deletion from Procurement List.

SUMMARY: This action deletes from Procurement List 1981 a commodity produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: June 19, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely

Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: On April 24, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 23282) of proposed deletion from Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity is hereby deleted from Procurement List 1981:

Class 1430

Circuit Card Assembly, 1430-00-069-0251

C. W. Fletcher,

Executive Director.

[FR Doc. 81-18214 Filed 6-18-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 commodities to be produced and a service to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 22, 1981.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street North, Suite 610, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: C. W. Fletcher, (703) 557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and service listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and service to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 3990

Pallet, Material Handling, 3990-00-NSH-0008
(62" x 48")

Class 7920

Kit, Aircraft Cleaning, 7920-00-490-6046

SIC 7349

Janitorial Service, OSHA Training Center,
1555 Times Drive, Des Plaines, Illinois

C. W. Fletcher,

Executive Director.

[FR Doc. 81-18215 Filed 6-16-81; 8:45 am]

BILLING CODE 5820-33-M

DEPARTMENT OF DEFENSE**Department of the Navy****PBI/Gordon Corp.; Intent To Grant Limited Exclusive Patent License**

Pursuant to the provisions of Part 746 of title 32, *Code of Federal Regulations* (41 FR 55711-55714, December 22, 1976), the Department of the Navy announces its intention to grant to PBI/Gordon Corporation, a corporation of the State of Missouri, a revocable, nonassignable, limited exclusive license for a period of ten years under Government-owned United States Patent Number 4,012,321 issued March 15, 1977, entitled "Oxidation of Refractory Organics in Aqueous Waste Streams by Hydrogen Peroxide and Ultraviolet Light, inventor, Edward Koubek.

This license will be granted unless within 60 days from the publication of this notice an application for a nonexclusive license from a responsible applicant is received by the Office of Naval Research (Code 302), Arlington, VA 22217, and the Chief of Naval Research or his designee determines that such applicant has established that he has already brought or is likely to bring the invention to the point of practical application within a reasonable period under a nonexclusive license; or the Chief of Naval Research or his designee determines that a third party has presented to the Office of Naval Research (Code 302) evidence and argument which have established that it would not be in the public interest to grant the limited exclusive license.

Any objection thereto, together with a request for an opportunity to be heard, if desired, should be directed to the Office of Naval Research (Code 302), Arlington, VA 22217, within 60 days of the publication of this notice. Also, copies of the patent may be obtained for fifty cents (\$0.50) from the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

For further information concerning this notice, contact: Dr. A. C. Williams,

Staff Patent Adviser, Office of Naval Research (Code 305), Ballston Tower No. 1, 800 North Quincy Street, Arlington, Virginia 22217, Telephone number (202) 696-4005.

Dated: June 12, 1981.

J. J. Walsh,

Commander, JAGC, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 81-18252 Filed 6-18-81; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF EDUCATION**National Advisory Council on Indian Education; Meeting**

AGENCY: National Advisory Council on Indian Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the scheduled and proposed agenda of a forthcoming meeting of the Government Program Study Committee of the National Advisory Council on Indian Education concerning a review of the Definition of Indian Study Draft and an update report on the Administrative and Programmatic Study of the Office of Indian Education. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATE: Government Program Study Committee Meeting: July 10, 1981, 9:00 a.m. to 5:00 p.m., July 11, 1981, 9:00 a.m. to 5:00 p.m., and July 12, 1981, 9:00 a.m. to 5:00 p.m.

ADDRESS: Office of Indian Education, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2177, Washington, D.C. 20202 for the July 10, 1981, meeting. National Advisory Council on Indian Education, Pennsylvania Building, Suite 326, 425 13th Street, NW., Washington, D.C. 20004 (202/376-8882) for the July 11-12, 1981, meeting.

FOR FURTHER INFORMATION CONTACT: Dr. Michael P. Doss, Executive Director, National Advisory Council on Indian Education, 425 13th Street, NW., Suite 326, Washington, D.C. 20004 (202/376-8882).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act, Title IV of P.L. 92-318, (20 U.S.C. 1221g). The Council is established to:

(1) submit to the Secretary of Education a list of nominees for the position of Deputy Assistant Secretary for Indian Education;

(2) advise the Secretary of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;

(3) review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92-318), and make recommendations to the Secretary with respect to their approval;

(4) evaluate programs and projects carried out under any program of the Department of Education in which Indian children or adults can participate or from which they can benefit and, disseminate the results of such evaluations;

(5) provide technical assistance to local educational agencies and to Indian educational agencies, institutions and organizations to assist them in improving the education of Indian children;

(6) assist the Secretary of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81-874) as added by Title IV, Part A, of P.L. 92-318;

(7) submit to the Congress not later than June 30 of each year a report of its activities, which shall include any recommendation it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate, or from which they can benefit, which report shall include a statement of the Council's recommendations to the Secretary with respect to the funding of any such programs; and,

(8) be consulted by the Secretary of Education regarding the definition of term "Indian," as follows:

Sec. 453 [Title IV, P.L. 92-318]. For the purpose of this title, the term "Indian" means any individual who (1) is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside or, who is a descendant, in the first or second degree, of any such member; or, (2) is considered by the Secretary of the

Interior to be an Indian for any purpose; or, (3) is an Eskimo or Aleut or other Alaska Native; or, (4) is determined to be an Indian under regulations promulgated by the Secretary, after consultation with the National Advisory Council on Indian Education which regulations shall further define the term "Indian."

The meeting will be open to the public. The proposed agenda includes: Reviewing the Definition of Indian Study Draft and doing an updated report on the Administrative and Programmatic Study of the Office of Indian Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on Indian Education located at 425 13th Street NW., Suite 326, Washington, D.C. 20004.

Date: June 15, 1981. Signed at Washington, D.C.

Dr. Michael P. Doss,

Executive Director National Advisory Council on Indian Education.

[FR Doc. 81-18196 Filed 6-18-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Waste Terminal Storage (NWTS) Program: Criteria for Mined Geologic Disposal of Nuclear Waste; Site Performance Criteria; Availability

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The principal objective of the National Waste Terminal Storage (NWTS) Program is to provide the technology and sites for the disposal of radioactive wastes. Mined geologic disposal in repositories well beneath the earth's surface is the most readily available of the various disposal methods and, thus, is being emphasized for near-term development.

Sites should provide for safe, permanent isolation of waste in a manner that is environmentally and institutionally acceptable. Site performance criteria have been evolved over the past three years to guide the siting process and as standards for determining suitability of sites. The Department has formulated such criteria to guide the NWTS Program siting efforts until final regulatory guidelines are available from the U.S. Nuclear Regulatory Commission (NRC). Preliminary NRC criteria have been considered in formulating this final set of the Department's criteria. The criteria are written in general terms to provide for analysis of the total consequence of the many factors which may interact at particular sites. The site performance

criteria encompass all factors considered important to containment and isolation capability, safety, and environmental and social acceptability of candidate sites.

The Federal Register published on May 13, 1980 (45 FR 31393) and advance notice of proposed rulemaking on the technical criteria the NRC intends to include in 10 CFR Part 60, the regulations for geologic disposal of high-level radioactive waste. The purpose of the advance notice was to inform the public and interested parties of the status of efforts related to the development of technical regulatory criteria, and to solicit comments for consideration in the preparation of a proposed rule. The preliminary NRC criteria may not fully represent the final regulatory requirements that will be applicable during the formal review of an application for licensing, but they provide an insight to the present thinking of the regulatory staff on what may constitute favorable or adverse site characteristics.

As particular locations favorable for waste isolation are identified the Department will discuss specific siting issues with officials of the affected state and local government, and the involved scientific community. Comment will also be sought from the general public. This may help the Department establish specific requirements for site development that improve the safety of the repository, minimize the impact it may have on the environment, and work to enhance the quality of community life.

AVAILABILITY: Copies are available from the Office of Nuclear Waste Isolation Library, 505 King Avenue, Columbus, Ohio 43201. Telephone (614) 424-7697.

FOR FURTHER INFORMATION CONTACT: Dr. Colin A. Heath, Director, Office of Waste Isolation, NE-330 (GTN), U.S. Department of Energy, Washington, D.C. 20545. Telephone: (301) 353-4068.

Dated: June 9, 1981.

For the U.S. Department of Energy:

John W. Crawford,

Acting Assistant Secretary for Nuclear Energy.

[FR Doc. 81-18196 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council Subcommittee on Environmental Conservation; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 88 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Subcommittee on Environmental Conservation of the National Petroleum Council

Date and time: Wednesday, July 8, 1981—10:00 a.m.

Place: The Madison Hotel, Mount Vernon Room, 15th and M Streets, N.W., Washington, D.C.

Contact: Georgia Hildreth, Chief, Advisory Committee Management Branch, Department of Energy, 1000 Independence Avenue, S.W., Forrestal Building—Room 4B222, Washington, D.C. 20585. Telephone: 202-252-5187.

Purpose of parent committee: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

Tentative agenda:

- Review the scope of the study being conducted in response to the Secretary of Energy's request for an analysis of issues bearing on environmental conservation and the petroleum industry
- Review the progress of the five task groups: Air Quality, Water Quality, Land Use, Hazardous Wastes, and Synthetic Fuels
- Discuss the environmental issues felt to be the most important in the time frame of the 1980's
- Discuss a timetable for completion of the study
- Discuss any other matters pertinent to the overall assignment from the Secretary
- Public Comment (10 minute rule)

Public participation: The meeting is open to the public. The Chairperson of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Branch at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 1E190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on June 16, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

[FR Doc. 81-18202 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

Voluntary Agreement and Plan of Action To Implement the International Energy Program; Meetings

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272), notice is hereby provided that a meeting of Subcommittee A of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on June 29, 1981, at the offices of the IEA, 2 rue Andre Pascal, Paris, France, beginning at 10:00 a.m. The purpose of this meeting is to permit attendance by representatives of Subcommittee A at a meeting of an IEA Standing Group on Emergency Questions (SEQ) *Ad Hoc* Group on the SEQ Data System, which is being held in Paris on that date.

The agenda for the meeting is under the control of the SEQ *Ad Hoc* Group. It is expected that the following subjects will be discussed.

1. Resolution of trade discrepancies.
2. Supply and demand information system for use in non-emergency circumstances.
3. The replacement of Quarterly Oil Statistics by monthly reports.
4. Statistical treatment of backflows to refineries.
5. IAB survey of national oil reporting systems.
6. Survey of national reporting procedures for non-oil hydrocarbons.
7. Other business.

As provided in section 252(c)(1)(A)(ii) of the Energy Policy and Conservation Act, this meeting will not be open to the public.

Issued in Washington, D.C., June 12, 1981.

Craig S. Bamberger,
Assistant General Counsel, International
Trade and Emergency Preparedness.

[FR Doc. 81-18195 Filed 6-15-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Lockheed Air Terminal, Inc.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken and opportunity for comment on Consent Order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces action taken to execute a Consent Order and provides an opportunity for public comment on the Consent Order and on potential claims against the refunds deposited in an escrow account

established pursuant to the Consent Order.

DATES: Effective date: May 11, 1981.
Comments by: July 20, 1981.

ADDRESS: Send comments to: U.S. Department of Energy, Lon W. Smith, District Manager, Western District Enforcement, 333 Market Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Lon W. Smith, District Manager, Western District Enforcement, 333 Market Street, San Francisco, California 94105, telephone (415) 764-7038.

SUPPLEMENTARY INFORMATION: On May 11, 1981, the Office of Enforcement of the ERA executed a Consent Order with Lockheed Air Terminal, Inc. ("LAT") of Burbank, California. Under 10 CFR 205.199(b), a Consent Order which involves a sum of less than \$500,000 in the aggregate, excluding penalties and interest, becomes effective upon its execution.

I. The Consent Order

LAT, with its home office located in Burbank, California, is a firm engaged in the reselling and retailing of refined petroleum products, and is subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of LAT, the Office of Enforcement, ERA, and LAT entered into a Consent Order, the significant terms of which are as follows:

1. The Consent Order settles allegations brought by the Office of Enforcement regarding LAT's operations as a reseller and retailer of refined petroleum products during the period January 1, 1974 through December 31, 1975 (the "audit period").

2. The Office of Enforcement alleged that LAT violated the petroleum price regulations, specifically those found at 10 CFR Part 212, Subpart F (and their predecessors) during the audit period, with regard to aviation fuels.

3. LAT denies the Office of Enforcement's allegations.

4. The terms of the Consent Order require that LAT refund \$328,064.71, which includes the principal amount plus interest through February 28, 1981. After February 28, 1981, interest shall accrue on any unpaid portions of the refund sum, at the rate of 14.03% per annum. The refund shall be made in 12 monthly payments of \$29,444.92, with the first payment due the first day of the month following the month in which the Consent Order is signed. The refund is

to be paid to the Assistant Administrator for Enforcement, Economic Regulatory Administration for distribution in a just and equitable manner in accordance with applicable laws and regulations.

5. The provisions of 10 CFR 205.199, including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, LAT agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1 above, the sum of \$328,064.71 plus interest thereon. This amount will be paid by certified check to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. This amount will remain in a suitable account pending the determination of its proper disposition.

The DOE intends to distribute this refund amount in a just and equitable manner in accordance with applicable laws and regulations. Because of the petroleum industry's complex marketing system, it is likely that overcharges have either been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III. Submission of Written Comments

A. Potential Claimants: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification of the claim to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure by a person to provide written notification of a potential claim within the comment period for this Notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the

terms, conditions, or procedural aspects of this Consent Order.

You should send your comments or written notification of a claim to U.S. Department of Energy, Lon W. Smith, District Manager, Western District Enforcement, 333 Market Street, San Francisco, California 94105. You may obtain a free copy of this Consent Order by writing to the same address or by calling (415) 764-7038.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "Comments on Lockheed Air Terminal Consent Order." We will consider all comments we receive by 4:30 p.m., local time, on July 20, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in San Francisco on the 29th day of May, 1981.

Lon W. Smith,

District Manager, Office of Enforcement,
Western District, Economic Regulatory
Administration.

[FR Doc. 81-12794 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-026; OFC Case No. 63007-9183-01-12]

Availability of Tentative Staff Analysis

AGENCY: Economic Regulatory Administration.

ACTION: Notice of availability of tentative staff analysis.

SUMMARY: On July 14, 1980, Hoffman-La Roche, Incorporated (HLR) of Nutley, New Jersey, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order granting a permanent cogeneration exemption for a new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 *et seq.*), (FUA or the Act), which prohibits the use of petroleum and natural gas as a primary energy source in new MFBI's. Pertinent procedures for petitioning for an exemption for a new facility are contained in 10 CFR Parts 500 and 501, published June 6, 1980, at 45 FR 38276 (Final Rule). Eligibility criteria for this cogeneration exemption are contained in the interim rule found at 44 FR 29014 (May 17, 1979). A final rule for permanent cogeneration exemptions has not been issued.

The MFBI for which the petition is filed is a slow-speed, two stroke 23,000 kW diesel engine burning residual oil,

and a supplementary oil fired waste heat field-erected boiler producing 160,000 pounds of steam per hour (which together will comprise the cogeneration system) to be installed at HLR's Belvidere plant located at Belvidere, New Jersey.

ERA accepted the petition on August 14, 1980, and published notice of its acceptance, together with a statement of the reasons set forth in the petition for requesting the exemption, in the Federal Register on September 12, 1980 (45 FR 60469). Publication of the notice of acceptance commenced a 45-day public comment period pursuant to section 701 of FUA. During this period, interested persons were afforded the opportunity to request a public hearing. The period expired October 27, 1980. Comments were submitted by the Elizabethtown Gas Company, Elizabeth, New Jersey, in support of HLR's petition for a permanent cogeneration exemption. No hearing was requested.

Based upon ERA's review and analysis of the information presently contained in the record of this proceeding, a Tentative Staff Analysis has been made recommending that ERA issue an order which would grant a permanent cogeneration exemption for the new MFBI from the prohibitions of FUA.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting materials on this proceeding is available upon request at: ERA, 2000 M Street, NW., Room B-110, Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

ERA will issue a final order granting or denying the petition for permanent exemption from the prohibitions of the Act within six months after the end of the public comment period provided for in this notice, unless ERA extends such period. Notice of any extension, together with a statement of reasons for such extension, will be published in the Federal Register.

DATES: Written comments on the Tentative Staff Analysis are due on or before 14 days from the date of publication. A request for public hearing must also be made within the same 14-day comment period.

ADDRESSES: Sixteen copies of written comments shall be submitted to the Department of Energy, DOE Case Control Unit, Box 4629, Room 3214, 2000 M Street, NW, Washington, DC, 20461. Docket Number ERA-FC-80-026 should be imprinted clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT:

Jack Vandenberg (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street, NW, Room B-110, Washington, D.C. 20461, (202) 653-4055

Edward J. Peters, Jr., Acting Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, D.C. 20461, (202) 653-3934

Christina Simmons, Office of the General Counsel, Department of Energy, Forestal Building, Room 6B-178, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-2967

William H. Freeman, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3126, Washington, D.C. 20461, (202) 653-4496

SUPPLEMENTARY INFORMATION:

Hoffman-La Roche, Incorporated (HLR) proposes to install a cogeneration system at its Belvidere, New Jersey facility. The proposed unit will consist of a slow-speed, two stroke 23,000 kW diesel engine burning residual oil, and a supplementary oil fired waste heat field-erected boiler producing 160,000 pounds of steam per hour at 225 psig (which together will comprise the generation system). HLR is in the process of expanding its plant capacity, and steam requirements are expected to increase from the present 322,000 pounds per hour to 430,000 pound per hour. Present electrical demand averages 18,000 kW and is expected to increase to 23,000 kW after expansion. The proposed cogeneration system will provide all the power and process steam requirements and the excess (300 kW) will be sold to the Jersey Central Power and Light Company.

ERA's staff has reviewed the information contained in the record of this proceeding to date and made a Tentative Staff Analysis recommending that an order be issued granting HLR a permanent cogeneration exemption for the cogeneration system to be installed at its Belvidere, New Jersey plant.

RECOMMENDED TERMS AND CONDITIONS: Pursuant to section 214 of the Act, ERA staff has tentatively determined and hereby recommends that any order granting the exemption described above, should be issued subject to certain terms and conditions including:

1. The quality of any petroleum to be burned in the unit will be the lowest grade available, which is technically feasible and capable of being burned consistent with applicable requirements.

2. The amount of net electricity sold or exchanged will be less than 50 percent of the total electricity produced.

The Tentative Staff Analysis does not constitute a decision by ERA to grant the exemption requested. Such a decision will be made in accordance with 10 CFR 501.66 of the final rule on the basis of the entire record of this proceeding, including any comments received on the Tentative Staff Analysis.

Issued in Washington, DC on June 15, 1981.

Robert L. Davies,

Director, Office of Fuels Conversion,
Economic Regulatory Administration.
[FR Doc. 81-18263 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Alternative Fuel Price Ceilings and Incremental Price Threshold for High Cost Natural Gas

The Natural Gas Policy Act of 1978 (NGPA) (Pub. L. 95-621) signed into law on November 9, 1978, mandated a new framework for the regulation of most facets of the natural gas industry. In general, under Title II of the NGPA, interstate natural gas pipeline companies are required to pass through certain portions of their acquisition costs for natural gas to industrial users in the form of a surcharge. The statute requires that the ultimate cost of gas to the industrial facility does not exceed the cost of the fuel oil which the facility could use as an alternative.

Pursuant to Title II of the NGPA of 1978, Section 204 (e), the Energy Information Administration (EIA) herewith publishes for the Federal Energy Regulatory Commission (FERC) computed natural gas ceiling prices and a high cost gas incremental pricing threshold which are to be effective July 1, 1981. These prices are based on the prices of alternative fuels.

For further information contact: Leroy Brown, Jr., Energy Information Administration, Federal Building, 12th & Pa. Avenue NW., Rm. 4121, Washington, D.C. 20461, (202) 633-9710.

Section I. Alternative Fuel Price Ceilings

As required by FERC Order No. 50, computed prices are shown for the 48 contiguous States. The District of Columbia's ceiling is included with the ceiling for the State of Maryland. FERC, by an Interim Rule issued on March 2, 1981, in Docket No. RM 79-21, revised the methodology for calculating the monthly alternative fuel price ceilings for State regions. Under the revised methodology, the applicable alternative fuel price ceiling published for each of

the contiguous States shall be the lower of the alternative fuel price ceiling for the State or the alternative fuel price ceiling for the multistate region in which the State is located.

The price ceiling is expressed in dollars per million British Thermal Units (BTU's). The method used to determine the price ceilings is described in Section III.

[In dollars per million BTU's]

State:	
Alabama	\$3.96
Arizona ¹	3.17
Arkansas	3.69
California	3.11
Colorado ¹	3.25
Connecticut ²	4.52
Delaware ¹	4.02
Florida	3.96
Georgia ¹	4.15
Idaho ¹	3.25
Illinois ¹	3.02
Indiana ¹	3.67
Iowa ¹	3.77
Kansas	3.59
Kentucky ¹	3.67
Louisiana	3.71
Maine	4.47
Maryland ¹	4.02
Massachusetts	4.48
Michigan ¹	3.67
Minnesota ¹	3.77
Mississippi ¹	4.15
Missouri ¹	3.77
Montana	3.21
Nebraska ¹	3.77
Nevada ¹	3.17
New Hampshire ¹	4.52
New Jersey ¹	4.02
New Mexico ¹	3.72
New York	3.95
North Carolina ¹	4.15
North Dakota ¹	3.77
Ohio ¹	3.67
Oklahoma	3.58
Oregon ¹	3.17
Pennsylvania ¹	4.02
Rhode Island ¹	4.52
South Carolina ¹	4.15
South Dakota	3.65
Tennessee	3.75
Texas ¹	3.72
Utah ¹	3.25
Vermont ¹	4.52
Virginia ¹	4.15
Washington ¹	3.17
West Virginia ¹	3.67
Wisconsin	3.66
Wyoming	2.59

¹ Region based price as required by FERC Interim Rule, issued on March 2, 1981, in Docket No. RM 79-21.

Section II. Incremental Pricing Threshold for High Cost Natural Gas

The EIA has determined that the volume-weighted average price for No. 2 distillate fuel oil landed in the greater New York City Metropolitan area during April 1981 was \$41.74 per barrel. In order to establish the incremental pricing threshold for high cost natural gas, as identified in the NGPA, Title II, Section 203 (a)(7), this price was multiplied by 1.3 and converted to its equivalent in millions of BTU's by dividing by 5.8. Therefore, the incremental pricing threshold for high cost natural gas, effective July 1, 1981, is \$9.36 per million BTU's.

Section III. Method Used to Compute Price Ceilings

The FERC, by Order No. 50, issued on September 28, 1979, in Docket No. RM 79-21, established the basis for determining the price ceilings required by the NGPA. FERC also, by Order No. 81, issued in the same docket on May 7, 1980, established that only the price paid for No. 6 high sulfur content residual fuel oil would be used to determine the price ceilings until November 1, 1981.

A. Data Collected

The following data were required from all companies identified by the EIA as sellers of No. 6 high sulfur content (greater than 1 percent sulfur content by weight) residual fuel oil: for each selling price, the number of gallons sold to large industrial users in the months of February 1981, March 1981, and April 1981.² All reports of volume sold and price were identified by the State into which the oil was sold.

B. Method Used to Determine Alternative Price Ceilings

(1) *Calculation of Volume-Weighted Average Price.* The prices which will become effective July, 1981, (shown in Section I) are based on the reported price of No. 6 high sulfur content residual fuel oil, for each of the 48 contiguous States, for each of the 3 months, February 1981, March 1981, April 1981. Reported prices for sales in February 1981 were adjusted by the percent change in the nationwide volume-weighted average price from February 1981 to April 1981. Prices for March 1981 were similarly adjusted by the percent change in the nationwide volume-weighted average price from February 1981 to April 1981. The volume-weighted 3-month average of the adjusted February 1981 and March 1981, and the reported April 1981 prices was then computed for each State.

(2) *Adjustment for Price Variation.* States were grouped into the regions identified by the FERC (see Section III.C). Using the adjusted prices and associated volumes reported in a region during the 3-month period, the volume-weighted standard deviation of prices was calculated for each region. The volume-weighted 3-month average price (as calculated in Section III.B (1) above) for each State was adjusted downward by two times this standard deviation for

² Large Industrial User—A person/firm which purchases No. 6 fuel oil in quantities of 4,000 gallons or greater for consumption in a business, including the space heating of the business premises. Electric utilities, governmental bodies (Federal, State or Local) and the military are excluded.

the region to form the adjusted weighted average price for the State.

(3) *Calculation of Ceiling Prices.* The lowest selling price within the State was determined for each month of the 3-month period (after adjusting up or down by the percent change in oil prices at the national level as discussed in Section III.B. (1) above). The products of the adjusted low price for each month times the State's total reported sales volume for each month were summed over the 3-month period for each State and divided by the State's total sales volume during the 3 months to determine the State's average low price. The adjusted weighted average price (as calculated in Section III.B. (2)) was compared to this average low price, and the higher of the values was selected as the base for determining the alternative fuel price ceiling for each State. For those States which had no reported sales during one or more months of the 3-month period, the appropriate regional volume-weighted alternative fuel price was computed and used in combination with the available State data to calculate the State's alternative fuel price ceiling base. The State's alternative fuel price ceiling base was compared to the alternative fuel price ceiling base for the multistate region in which the State is located and the lower of these two prices was selected as the final alternative fuel price ceiling base for the State. The appropriate lag adjustment factor (as discussed in Section III.B.4.) was then applied to the alternative fuel price ceiling base. The alternative fuel price (expressed in dollars per gallon) was multiplied by 42 and divided by 6.3 to estimate the alternative fuel price ceiling for the State (expressed in dollars per million BTU's).

(4) *Lag Adjustment.* The EIA has implemented a procedure to partially compensate for the two-month lag between the end of the month for which data are collected and the beginning of the month for which ceiling prices become effective. It was determined that *Platt's Oilgram Price Report* publication provides timely information relative to the subject. The prices found in *Platt's Oilgram Price Report* publication are given for each trading day in the form of high and low prices for No. 6 residual oil in 21 cities throughout the United States. The low posted prices for No. 6 residual oil in these cities were used to calculate a national and a regional lag adjustment factor. The national lag adjustment factor was obtained by calculating a weighted average price for No. 6 high sulfur residual fuel oil for the ten trading days ending June 12, 1981, and dividing

that price by the corresponding weighted average price computed from prices published by *Platt's* for the month of April 1981. A regional lag adjustment factor was similarly calculated for four regions. These are: one for FERC Regions A and B combined; one for FERC Region C; one for FERC Regions D, E, and G combined and one for FERC Regions F and H combined. The lower of the national or regional lag factor was then applied to the alternative fuel price ceiling for each State in a given region as calculated in Section III.B.(3).

C. Listing of States by Region

States were grouped by the FERC to form eight distinct regions as follows:

Region A

Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Region B

Delaware, Maryland, New Jersey, New York, and Pennsylvania.

Region C

Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

Region D

Illinois, Indiana, Kentucky, Michigan, Ohio, West Virginia, and Wisconsin.

Region E

Iowa, Kansas, Missouri, Minnesota, Nebraska, North Dakota, and South Dakota.

Region F

Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Region G

Colorado, Idaho, Montana, Utah, and Wyoming.

Region H

Arizona, California, Nevada, Oregon, and Washington.

Issued in Washington, D.C., on June 17, 1981.

Albert H. Linden, Jr.,

Acting Administrator, Energy Information Administration.

[FR Doc. 81-16450 Filed 6-18-81; 11:40 am]

BILLING CODE 6450-01-M

Western Area Power Administration

Floodplain/Wetlands Involvement Determination for the Bijou Creek-Beaver Creek 115-Kilovolt Transmission Line Rebuild Proposal in Morgan County, Colorado

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Floodplain/wetlands involvement and opportunity for comment.

SUMMARY: The Western Area Power Administration (Western) proposes to rebuild 17.5 miles of the 115-kV electrical transmission line from Bijou Creek east to Beaver Creek in Morgan County, Colorado. Western is proposing to replace deteriorated existing wood-pole structures with single wood-pole structures, where right-of-way width is constrained, and wood-pole H-frame structures for much of the remainder of the line. Approximately 8.6 miles of the rebuilt line would be on new right-of-way.

Relocation of the electric transmission line crossing Bijou Creek would require construction of steel structures to accommodate the span of 1,800-1,900 feet. Concrete foundations would be required for each structure.

Pursuant to the requirements of the U.S. Department of Energy's procedures for compliance with Floodplain/Wetlands Environmental Review Requirements, Part 1022 of Chapter X of Title 10 of the Code of Federal Regulations, Western has determined that the rebuild proposal would involve some activities within a floodplain/wetlands area near Fort Morgan, Colorado. Based on the examination of the Flood Insurance Administration's (Federal Emergency Management Agency) Flood Hazard Boundary Maps for the area, floodplain/wetlands would be encountered at the South Platte River, Bijou Creek, Badger Creek, and Beaver Creek. Maps and further information are available from Western at the addresses given below. Public comments or suggestions on Western's activities in these particular floodplain/wetlands areas are invited.

DATE: Any comments are due on or before July 8, 1981.

ADDRESS: Send comments or suggestions to: Peter Ungerman, Area Manager, Loveland-Fort Collins Area Office, Western Area Power Administration, P.O. Box 2650, Fort Collins, CO 80522.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary W. Frey, Environmental Manager, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401. Telephone: (303) 231-1527

Issued at Golden, Colorado, June 12, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-18178 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

Finding of No Significant Impact for the Cottonwood-Elverta No. 3 230-Kilovolt Transmission Line Rehabilitation, Shasta, Tehama, and Butte Counties, Calif.

AGENCY: Western Area Power Administration, U.S. Department of Energy.

ACTION: Finding of No Significant Impact for the Cottonwood-Elverta No. 3 230-Kilovolt Transmission Line Rehabilitation, Shasta, Tehama, and Butte Counties, California.

SUMMARY: The Western Area Power Administration (Western), Department of Energy has prepared an environmental assessment (EA) on the proposed rehabilitation of 68 miles of the Cottonwood-Elverta No. 3 230-kilovolt (kV) transmission line in Shasta, Tehama, and Butte Counties, California. Based on the findings in the EA, which is available to the public on request, the Department has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment as defined in the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and therefore, no environmental impact statement is required.

The existing Cottonwood-Elverta No. 3 230 kV transmission line was constructed in 1944. The proposed project would involve rehabilitating 68 miles of the line by replacing 420 aging and damaged wood-pole structures with 43 steel tubular towers at the northern end of the route and with 237 steel lattice towers for the remainder of the route. The portions of the line to be rehabilitated lie in segments between existing steel lattice structures. Therefore, the line is being rehabilitated in segments and not in a continuous stretch. The conductor would be upgraded from 795 thousand circular mils (MCM) to 1272 (MCM) along the 68 mile segment. The voltage would remain at 230-kV.

The majority of the land traversed by the existing transmission line is privately owned except for public parcels in Chico at Bidwell Park, at Iron Canyon, and the Sacramento River-Paynes Creek Recreation Area. The Iron Canyon area and Sacramento River-Paynes Creek Recreation Area are managed by the U.S. Department of the Interior, Bureau of Land Management. The proposal would not need significant new transmission right-of-way; however, Western proposes to acquire existing access roads now used for operation and maintenance. The proposal would not involve the

construction of new access roads or the conversion of any existing land uses. Benefits to be derived from the proposed rehabilitation would include increased electrical service reliability, reduced maintenance costs, and reduced energy loss.

Western is also considering the no action alternative. Similar activities to those proposed would be required for the no action alternative in that the wood-pole structures would be replaced as needed. Some wood-pole structures have been replaced along the transmission line because of past failures. Western also considered the construction of a new line in a different corridor and undergrounding. Construction of a new line in a different corridor would have greater impacts than the rehabilitation since it would entail new disturbances in a new area. Undergrounding would not be feasible because of economic and engineering constraints and would result in greater impacts.

Overall impacts from the proposed rehabilitation would be minimal and significant environmental impacts associated with the construction and operation of the line are not expected. About 40 acres would be disturbed due to tower pad clearing, footing and foundation excavation, and tower erection and assembly. An additional 80 acres would be used for travel on existing travel ways along portions of the existing right-of-way. No clearing of any woodland communities would be required; most clearing would occur in the grassland community.

Once construction is completed, disturbed areas would be fine graded and reseeded where needed to prevent soil erosion and minimize long term damage. The proposal would not increase the electrocution or collision hazard to birds nor induce major new population growth with its attendant impacts on biological communities.

Western conducted a cultural resource assessment along the existing transmission line and access roads. Eight historic sites and seven archaeological sites were discovered within the defined right-of-way. The historic sites are trash areas, wells and trail locations. The historic features are not considered significant, nor are they likely to yield significant historical information. Four of the archaeological sites are not considered significant; one of the sites is significant. The transmission line will not affect any of these five sites. Another site is in the location of a proposed tower. This site will be tested to determine its significance and mitigate any adverse impact prior to tower construction. One

site is in the Mud Creek Archaeological District which is in the National Register of Historic Places. In accordance with section 106 of the National Historic Preservation Act, the Advisory Council on Historic Preservation will be provided the opportunity to review the proposed undertaking in the Archaeological District. All actions in the vicinity of the historic and archaeological sites will be coordinated with the California State Historic Preservation Office. Measures will be taken to ensure that adverse actions are not undertaken, in accordance with the Advisory Council on Historic Preservation Procedures (36 CFR Part-800). If any cultural resources are encountered during construction or maintenance procedures all activity will cease and an appropriate Western representative will be notified of the nature and location of the finding.

The proposed transmission rehabilitation is located in the range of two endangered species: the bald eagle (*Haliaeetus leucocephalus*) and the American peregrine falcon (*Falco peregrinus anatum*). A biological assessment in accordance with section 7(c) of the Endangered Species Act of 1973, as amended, has been completed. The results of the assessment indicate that the bald eagle winters along the transmission line and the American peregrine falcon nests greater than 10 miles from the transmission corridor. Due to the lack of peregrine falcon habitat in the vicinity of the transmission line, an effect on the peregrine falcon is not expected. Western will schedule activities such that no construction activities will take place during the bald eagles' wintering period, and thus ensure the bald eagles are not disturbed on their wintering range. The U.S. Fish and Wildlife Service has concurred with Western that the proposed action will not jeopardize the continued existence of the bald eagle or peregrine falcon, nor destroy or adversely modify their critical habitats.

The meadowfoam (*Limnanthes floccosa*), a tentative candidate for endangered status, and its suitable habitat are found within the corridor of the Cottonwood-Elverta No. 3 transmission line. Western will delineate areas of the meadowfoam's occurrence and these areas will be avoided during construction, operation and maintenance of the transmission line. The proposed action will not impact the meadowfoam.

Fifteen existing wood-pole structures would be removed from the floodplains of Cottonwood, Little Antelope, Campbell, Rock, Mud, Sycamore, Butte,

Nance, Hamlin Slough, and Clear Creeks, and the Butte Creek Diversion Channel. The removal of the existing poles would have minimal impact on floodplains.

Fourteen new steel tower structures would be constructed in the above floodplains except Campbell Creek. The construction of new steel towers would disturb about 2500 square feet at each site due to footing excavation, tower assembly and erection, and reconductoring.

The installation of new insulator assemblies and reconductoring would occur at the existing steel towers in the floodplains of Cottonwood, Deer, and Big Chico creeks. Such activities would involve the movement of light trucks. Minimal truck movement across the floodplains of Little Dry Creek and Fallagher Creek would occur when moving construction equipment from one tower site to another. Construction activities would not occur in the floodplains of the Sacramento River, and Dry Creek. In addition to the wetlands in floodplains, the proposal spans one wetland, a vernal pool, about a mile south of Wildcat Creek. Western will avoid this wetland during the rehabilitation of the existing line and operation and maintenance activities.

Because the creeks and the Sacramento River traversed by the Cotton-Elverta No. 3 line are between the source of power (Shasta Dam) and load areas, there is no other practical alternative to the proposed alignment and locating some structures within floodplains. There are now 15 wood-pole structures located in floodplains. The no action alternative would involve activities in a floodplain if an existing structure failed, requiring replacement. Undergrounding would not be feasible for economic and engineering reasons and would result in greater adverse impacts to floodplains than the proposal. Construction of a new line in a different corridor would have greater impacts on floodplains and wetlands since it would entail new disturbance in a new area.

Western would design all structures located in floodplains to withstand any flooding, and to conform to all applicable State and local floodplain/wetland standards. Western would implement steps to minimize harm to floodplain/wetlands including erosion control measures near creeks, wetlands and floodplains; clearing limits for tower placements; and avoidance of riparian vegetation.

FOR FURTHER INFORMATION CONTACT:
Area Manager, Sacramento Area Office,
Western Area Power Administration,

2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251.

Gary W. Frey (A1600), Environmental Manager, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231-1527.

Copies of the EA are available for review at the above addresses. A limited number of copies are available for distribution.

Issued at Golden, Colo., June 12, 1981.

Robert L. McPhail,
Administrator.

[FR Doc. 81-18179 Filed 6-18-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[EN-FRL 1832-6]

Iowa, Missouri, and Connecticut Pretreatment Program Approvals

AGENCY: EPA.

ACTION: Notice of Approval of the National Pollutant Discharge Elimination System Pretreatment Program of the States of Iowa, Missouri, and Connecticut.

SUMMARY: On June 3, 1981, the Environmental Protection Agency approved the National Pollutant Discharge Elimination System State Pretreatment Programs of the States of Iowa, Missouri, and Connecticut. These actions authorize the States of Iowa, Missouri, and Connecticut to administer the National Pretreatment Program as it applies to municipalities and industries within the State.

FOR FURTHER INFORMATION CONTACT:
George E. Young, Permits Division (EN-336), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:

Background

The Pretreatment Program, required by the Clean Water Act of 1977, governs the control of industrial wastes introduced into publicly Owned Treatment Works (POTWs). The objectives of the Pretreatment Program are to: (1) prevent introduction of pollutants into POTWs which will interfere with the operation of a POTW, including interference with its use or disposal of municipal sludge; (2) prevent the introduction of pollutants into POTWs which will pass through treatment works or otherwise be incompatible with such works; (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. Local

pretreatment programs will be the primary vehicle for administering, applying and enforcing pretreatment standards for industrial users of POTWs. To receive pretreatment program approval a State must submit to the EPA a modification to its NPDES program pursuant to the requirements and procedures of the General Pretreatment Regulation (40 CFR Part 403).

Federal Register Notice of Approval of State NPDES Programs or Modifications

Under the Consolidated Permit Regulations (45 FR 33290, May 19, 1980), EPA will provide Federal Register notice of any action by the Agency approving or modifying a State NPDES program. Each notice will include a table similar to the following one, setting forth the current status of program approval. This table will provide the public with an up-to-date list of the status of NPDES permitting authority throughout the country.

	Approved State NPDES permit program	Approved to regulate Federal facilities	Approved State pretreatment program
Alabama	10/19/79	10/19/79	10/19/79
California	05/14/73	05/05/78	
Colorado	03/27/75		
Connecticut	09/26/73		06/03/81
Delaware	04/01/74		
Georgia	06/26/74	12/06/80	03/12/81
Hawaii	11/26/74	06/01/79	
Illinois	10/23/77	09/20/79	
Indiana	01/01/75	12/09/78	
Iowa	08/10/78	08/10/78	06/03/81
Kansas	06/28/74		
Maryland	09/05/74		
Michigan	10/17/73	12/09/78	
Minnesota	06/30/74	12/09/78	07/16/79
Mississippi	05/01/74		
Missouri	10/30/74	06/26/79	06/03/81
Montana	06/10/74		
Nebraska	06/12/74	11/02/79	
Nevada	09/19/75	08/31/78	
New York	10/28/75	06/13/80	
North Carolina	10/19/75		
North Dakota	06/13/75		
Ohio	03/11/74		
Oregon	09/26/73	03/02/79	03/12/81
Pennsylvania	06/30/78	06/30/78	
South Carolina	05/10/75	09/26/80	
Tennessee	12/28/77		
Vermont	03/11/74		
Virgin Islands	06/30/74		
Virginia	03/31/75		
Washington	11/14/73		
Wisconsin	02/04/74	11/26/79	12/24/80
Wyoming	01/30/75		

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. These State Pretreatment Program Approvals are not major because they will not have an annual effect upon the economy exceeding \$100 million, will not result in a major increase in costs or prices for consumers, individual industries, governmental bodies, or geographic

regions; and will have no significant adverse impact on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Approval of State Pretreatment Programs merely authorizes the States to carry out some of the responsibilities of the National Pretreatment Program currently exercised by EPA. Therefore, no additional obligations are expected to be imposed on industry as a result of program approvals.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

These State Pretreatment Program Approvals are not subject to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because notice of proposed rulemaking was published prior to January 1, 1981. Even if the rules had been proposed after January 1, 1981, preparation of a regulatory flexibility analysis would not be required because these actions will not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)). These actions merely authorize the States to carry out some of the responsibilities of the National Pretreatment Program currently exercised by EPA. No additional substantive requirements will be imposed on small entities as a result of program approval.

Dated: June 12, 1981.

Anne M. Gorsuch,
Administrator.

[FR Doc. 81-18241 Filed 6-18-81; 8:45 am]
BILLING CODE 6560-33-M

[EN-9-FRL-1856-2]

Issuance of PSD Permit to Guardian Industries

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Guardian Industries, Kingsburg, Fresno County, California, EPA project number SJ 78-86.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on January 15, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a float glass melting furnace (oil fired) at their glass manufacturing plant in Kingsburg, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of 340 pounds/hour nitrogen oxides and 189 pounds/hour sulfur dioxide.

Best Available Control Technology (BACT) requirements for sulfur dioxide emissions include chemical pretreatment of flue gas with soda ash coupled with an electrostatic precipitator.

Air Quality Modeling is required for NO_x and SO₂. Continuous monitoring will also be required for these pollutants. The source is subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105.

Dated: April 6, 1981.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 81-18242 Filed 6-18-81; 8:45 am]
BILLING CODE 6560-38-M

[EN-9-FRL-1856-3]

Issuance of PSD Permit to Martin Marietta Corp.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Martin Marietta Corporation, Wilmington, Los Angeles County, California, EPA project number LA 80-03.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on December 11, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct a petroleum coke calcining facility at 2404 E. Anaheim Street, Wilmington, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable

emissions of 131 pounds/hour (2.55 pounds/ton feed) SO₂.

Best Available Control Technology (BACT) for SO₂ includes a sodium alkali scrubbing system without regeneration.

Air Quality Impact Modeling is required for SO₂ and continuous monitoring is also required for SO₂. The source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: April 6, 1981.

Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 81-18243 Filed 6-18-81; 8:45 am]
BILLING CODE 6560-38-M

[EN-9-FRL-1856-4]

Issuance of PSD Permit to Kernridge Oil Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Kernridge Oil Company, Belridge Field, Kern County, California, EPA project number SJ 80-06.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on December 29, 1980 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to construct four (4) 50 x 10⁶ Btu/hr steam generators and two (2) 12.6 x 10⁶ Btu/hr steam generators to be located in the South Belridge Oil Field, Section 28 and 34, T28S, R21E, Kern County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions for NO_x of 0.2 lbs./million Btu for each steam generator and 0.4 lbs./million Btu for each heater-treater.

Best Available Control Technology (BACT) requirements for NO_x emissions include low NO_x burners

and excess oxygen control equipment. Air Quality Impact Modeling is required for NO_x . Continuous monitoring is not required and the source is not subject to New Source Performance Standards.

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105.

Dated: April 6, 1981.
Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 81-18244 Filed 6-18-81; 8:45 am]
BILLING CODE 6560-38-M

[EN-9-FRL-1856-5]

Issuance of NSR Permit to Berry Holding Co.

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of New Source Review (NSR) permit to: Berry Holding Company, Kern County, California, EPA project number SJ 79-17.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on February 19, 1981 the Environmental Protection Agency issued a NSR permit to the applicant named above for approval to construct a facility for heavy oil recovery by means of insitu combustion to be located in Kern County, California.

This permit has been issued under EPA's New Source Review (40 CFR 51.18) regulations and is subject to certain conditions including allowable emissions for Volatile Organic Compounds of 10.5 lbs./hr and 690 ppm and for hydrogen sulfide emissions of 4.73 lbs./hr.

Control equipment for Volatile Organic Compounds emissions consists of collecting well casing gases to be burned in a 22 mmBtu/hr steam generator. Control equipment for hydrogen sulfide emissions includes an H_2S scrubber and well vent bad gas gathering system.

DATE: The NSR permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for

public inspection upon request; address requests to: Cecilia Dougherty, Environmental Protection Assistant, E-4-1, U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, California 94105.

Dated: April 6, 1981.
Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division.

[FR Doc. 81-18245 Filed 6-18-81; 8:45 am]
BILLING CODE 6560-38-M

[EN-9-FRL-1856-6]

Issuance of PSD Permit To Rockwell International, Rocketdyne Division

AGENCY: Environmental Protection Agency (EPA), Region IX.

ACTION: Notice.

SUMMARY: Notice of Approval of Prevention of Significant Air Quality Deterioration (PSD) permit to: Rockwell International, Rocketdyne Division, EPA project number LA-80-05.

SUPPLEMENTAL INFORMATION: Notice is hereby given that on February 2, 1981 the Environmental Protection Agency issued a PSD permit to the applicant named above for approval to modify the existing thrust mounting systems, propellant systems, control and performance measurement systems, and Hyperflow steam generators. These modifications will allow performance of a test program on axial and altitude control engines for Stage IV of the Missile X System. Location of the project is at Systems Test Lab #4 (STL-

4) at the Santa Susana Field Laboratory in Ventura County, California.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR 52.21) regulations and is subject to certain conditions including allowable emissions of: carbon monoxide (CO) not to exceed 9 percent by weight as measured by performance tests during Hyperflow operation.

Best Available Control Technology (BACT) requirements consist of optimization of Hyperflow operating parameters: control of the oxidizer-to-fuel ratio in conjunction with control of the supply of injected water. The oxidizer-to-fuel mixture ratio is defined as the weight of liquid oxygen divided by the weight of isopropyl alcohol mixture. The injected water fraction is defined as the weight of injected water, divided by the sum of the mass of alcohol mixture, oxidizer and water injected to the Hyperflow. Optimization of Hyperflow operating parameters minimizes CO emissions from the project. This BACT requirement is more stringent than the control technology previously public noticed.

Air Quality Impact Modeling is required for CO. Periodic source tests for CO are also required. The determination announced in the previous public notice of the project had not adequately considered the background ambient air quality in review of the impact of the project on air quality when firing rocket engines in Cells 29 and 37. The following table takes into account ambient air quality in reflecting the impact of the project on air quality under worst case conditions:

Pollutant	Averaging time	Ambient air quality values (ppm)	Maximum impact (ppm)			Net air quality (ppm)			Federal AAQS (ppm)	Proposed AAQS (ppm)
			Cell 29	Cell 37	Cells 29 and 37 1 h apart	29	37	29 and 37		
Carbon Monoxide	1 h	16.1	4.42	7.26		20.5	23.4		35	25
	8 h	6.9			1.5			8.4	9	

DATE: The PSD permit is reviewable under Section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by August 18, 1981.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address requests to: Cecilia Dougherty, Permits Clerk, E-4-1, U.S. Environmental Protection Agency, Region IX, Permits Branch, 215 Fremont Street, San Francisco, California 94105, (415) 556-3450.

Dated: April 6, 1981.
Carl C. Kohnert, Jr.,
Acting Director, Enforcement Division,
Region IX.

[FR Doc. 81-18246 Filed 6-18-81; 8:45 am]
BILLING CODE 6560-38-M

[PF-230; PH FRL-1857-4]

Certain Pesticide Chemicals; Notice of Filing of Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have submitted pesticide petitions to the EPA proposing that tolerances be established for certain chemicals in or on certain raw agricultural commodities.

ADDRESS: Written comments to the product manager cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "[PF-230]" and the specific petition number. All written comments filed pursuant to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following companies have filed pesticide petitions with the EPA proposing that tolerances be established for certain pesticide chemicals in or on certain raw agricultural commodities, in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, were required, is given in each specific petition.

PP 1F2496. Zoecon Corporation, 975 California Ave., Palo Alto, CA 94304, proposes amending 40 CFR 180.359 by establishing tolerances for the insect growth regulator methoprene (isopropyl (E,E-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate) in or on peanuts at 1.0 part per million (ppm) and peanut hulls at 20 ppm. The proposed analytical method for determining residues is by gas chromatography. (PM 17, Franklin > D. R. Gee, 703-557-7028.)

PP 1F2506. Ciba Geigy Corp., PO Box 11422, Greensboro, NC 27409, proposes amending 40 CFR 180.368 by establishing a tolerance for the combined residues of the herbicide metolachlor [2-chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl)acetamide] and its metabolites determined as 2-[(2-ethyl-6-methylphenyl)-amino]-1-propanol and 4-[(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone each expressed as the parent compound in or on cottonseed at 0.1 ppm. The proposed analytical method for determining residues is gas chromatography. (PM 23, Richard F. Mountfort, 703-557-7070.)

PP 1F2513. E. I. duPont de Nemours and Co., Wilmington, DE 19898, proposes amending 40 CFR 180.396 by establishing tolerances for residues of the herbicide hexazinone [3-cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1H,3H)dione] and its metabolites (calculated as hexazinone) in or on range grasses at 10 ppm. The proposed analytical method for determining residues is by nitrogen-selective gas chromatography. (PM 23, Richard F. Mountfort, 703-557-7070.)

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136))

Dated: June 9, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

(FR Doc. 81-16209 Filed 6-18-81; 8:45 am)

BILLING CODE 6560-32-M

[PW-25; PH-FRL-1857-3]

Ciba-Geigy Corp.; Withdrawal of Feed Additive Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Ciba-Geigy Corp., has submitted a withdrawal of a feed additive petition for the combined residues of the insecticide profenofos [O-(4-bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate] and its metabolite converted to 4-bromo-2-chlorophenyl and calculated as O-(4-bromo-2-chlorophenyl)-O-ethyl S-propyl phosphorothioate in or on soybean meal and hulls.

ADDRESS: Written comments to: William H. Miller, Product Manager (PM) 16, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: William H. Miller (703-557-7040).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of August 24, 1979 (44 FR 49789) that Ciba-Geigy Corp., P.O. Box 11422, Greensboro, NC 27409, has submitted a request to the EPA proposing that 21 CFR 561.53 be amended by permitting the combined residues of the insecticide profenofos [O-(4-bromo-2-chlorophenyl)-O-ethyl-S-propyl phosphorothioate] and its metabolite converted to 4-bromo-2-chlorophenyl and calculated as O-(4-bromo-2-chlorophenyl)-O-ethyl S-propyl phosphorothioate in or on soybean meal and hulls with a tolerance limitation of 2 parts per million.

Ciba-Geigy Corp. has withdrawn this petition without prejudice to further

filing in accordance with the regulations (40 CFR 121.52) pertaining to section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).

Dated: June 4, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

(FR Doc. 81-16300 Filed 6-18-81; 8:45 am)

BILLING CODE 6560-32-M

[OPTS-59047A; TSH-FRL-1855-1]

Substituted Diphenylsulfone; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On March 27, 1981, EPA received an application to manufacture a new chemical substance for test marketing purposes. The manufacturer's identity, chemical identity, and use were claimed confidential business information. The test marketing exemption (TME) number assigned to the substance is TM-81-8. The substance is identified generically as substituted diphenylsulfone. The notice of receipt of the exemption application was published in the Federal Register of April 17, 1981 (45 FR 22458). EPA has determined that the test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted the submitter an exemption from the TSCA premanufacture reporting requirements for the test marketing activity described in the application and this notice of approval.

EFFECTIVE DATE: This exemption is effective on June 15, 1981.

FOR FURTHER INFORMATION CONTACT: George Bagley, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-210, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is any chemical substance that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN

and section 5(b) contains additional reporting requirement of certain new chemical substances.

Section 5(h), "Exemptions", contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirements of section 5(a) or section 5(b), and to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of this disposition in the *Federal Register*. If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On March 27, 1981, EPA received an application for an exemption from the requirements of section 5(a) and 5(b) of TSCA to manufacture a substance for test marketing purposes. A *Federal Register* notice published on April 17, 1981 (45 FR 22458) announced receipt of the exemption application (TM-81-8) and requested comments on the appropriateness of granting the exemption. The Agency received no comments concerning the application. The substance for which the exemption application was submitted is identified generically as substituted diphenylsulfone.

In the application, the submitter stated its intention to test market for a six-month period less than 15 kilograms (kg) of the substance. The application also states that the substance produced under the exemption application would be provided to five customers in a final product at a concentration of less than 1 percent which is virtually inaccessible to the users. Some toxicological and worker exposure data were submitted to the Agency following submission of the test marketing application. These data indicate that no more than four employees will be exposed to the new chemical for periods of less than two hours when handling the laboratory-scale production.

Vented hoods are used in production and all personnel involved use protective gloves, goggles, and garments. Storage of the substance is in DOT-approved drums. The Agency, therefore, has assumed for purposes of deciding whether or not to grant this exemption that potential exposure during the production and use of this substance for test marketing will be minimal, if any,

but no greater than that described in the application.

Data provided by the manufacturer following the application also indicate that the substance has a low degree of acute toxicity. The oral LD₅₀ (rats) was greater than 5 g/kg. The data also indicate that the chemical is minimally irritating to the skin and practically nonirritating to the eye. The Ames test conducted on the substance showed no mutagenic activity; therefore the Agency's concern for potential carcinogenic activity is reduced. No data were available to assess other potential chronic effects such as reproductive, estrogenic, or neurological effects. With regard to ecological effects, the Agency has no reason to anticipate any unreasonable risk since no environmental release is likely.

Because of the limited amount of the substance to be produced along with minimal, if any, human exposure and environmental release during test marketing, EPA has determined that the substance will not present any unreasonable risk of injury to health or the environment as a result of test marketing the substituted diphenylsulfone in the manner described in the exemption application. This test market exemption is granted based on the facts and information obtained and reviewed, but is subject to all conditions set out in the exemption application, and in particular those enumerated below:

1. This exemption is granted solely to this manufacturer.
2. The applicant must maintain records of the date(s) of shipment(s) to its customers and the quantities shipped in each shipment, and must make these records available to EPA upon request.
3. Each bill of lading that accompanies a shipment of the substance during the test marketing period must state that the use of the substance is restricted to that described to EPA in the test marketing exemption application.
4. The production volume of the new substance may not exceed the quantity of 15 kg described to EPA in the test marketing exemption application.
5. The test marketing activity approved in this notice is limited to a period of six months.
6. The number of workers should not exceed that specified in the application and the exposure levels and duration of exposure should not exceed that specified.

7. The Agency reserves the right to rescind its decision to grant this exemption should any new information come to its attention which casts significant doubt on the Agency's conclusion that the substance will not

present an unreasonable risk of injury to health or the environment.

Dated: June 15, 1981.

Anne M. Gorsuch
Administrator.

[FR Doc. 81-18297 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-31-M

[OPTS-51266; TS-H-FRL-1850-4]

Certain Chemicals; Premanufacture Notices

Correction

In FR Doc. 81-17274, published at page 30884, on Thursday, June 11, 1981, on page 30885, in the third column, the heading "PMN 81-223" should be corrected to read "PMN 81-233".

BILLING CODE 1505-01-M

[ER-FRL-1856-7]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104) US Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EIS) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of June 8, 1981 to June 12, 1981.

REVIEW PERIODS: The 45-day review period for Draft EISs' listed in this notice is calculated from June 19, 1981 and will end on August 3, 1981. The 30-day review period for Final EISs' as calculated from June 19, 1981 will end on July 20, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EISs previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT:

Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. (202) 245-3006.

Dated: June 16, 1981.

William N. Hedeman,
Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Draft—Blue Gorge Mine Operating Plan, Eldorado National Forest, El Dorado County, California (EIS Order #810465)

FS: Final—Competing Vegetation Management Methods, Washington, Oregon and California (EIS Order #810465)

SCS: Draft—Lower Gunnison/Uintah Basin Units, Water Quality Improvement, Colorado and Utah (EIS Order #810459)

SCS: Final—Bell City Watershed Protection, Calcasieu and Cameron Counties, Louisiana (EIS Order #810455)

SCS: Final—Swan Creek Watershed Plan, Saline and Jefferson Counties, Nebraska (EIS Order #810458)

Army Corps of Engineers

Draft—Richmond Harbor Deep-Draft Navigation Improvements, Contra Costa County, California; the review period for this EIS has been extended until August 14, 1981 (EIS Order #810464)

Final—Hocking River Flood Control Improvements, Athens County, Ohio (EIS Order #810471)

Final—Cabin Creek Demonstration Reclamation Project, Kanawha County, West Virginia (EIS Order #810454)

Retroaction: Final—Grand Haven Harbor Modification, Ottawa County, Michigan, published FR June 12, 1981; has been officially retracted due to noncompletion of distribution (EIS Order #810445)

Department of Commerce

NOAA: Draft—Tijuana River Estuarine Sanctuary, Grant, San Diego County, California (EIS Order #810468)

Department of Housing and Urban Development

Draft—Battlement Mesa Development, Mortgage Insurance, Garfield County, Colorado (EIS Order #810462)

Draft—Booth Creek Subdivision, Mortgage Insurance, Denton County, Texas (EIS Order #810460)

Department of the Interior

FWS Draft—Redhead Waterfowl Production Wetlands Preservation, Idaho (EIS Order #810466)

FWS Draft—Reeves Bottom Hardwood Habitat Preservation, Dunklin County, Missouri; the review period for this EIS has been extended until August 17, 1981 (EIS Order #810453)

NPS Final—Blue Ridge Parkway, Transmission Right-of-Way, Virginia (EIS Order #810472)

Department of Transportation

FHWA Draft—Bogue Sound Bridge Construction, US 70 to NC-58, Carteret County, North Carolina (EIS Order #810452)

FHWA Draft—Beaverton-Tigard Highway Interchange, US 26/OR-217, Washington County, Oregon (EIS Order #810463)

FHWA Final—Kolb Corridor Highway Improvements, Tucson, Pima County, Arizona (EIS Order #810467)

FHWA Final—CTH A, WI-184 to Janesville Road, Reconstruction, Rock County, Wisconsin (EIS Order #810469)

FHWA Final—US 31 Relocation, Matthew Road to I-94/I-96, Berrien County, Michigan (EIS Order #810470)

Environmental Protection Agency

EPAH: Draft—Vieques Dredge Material Disposal Site, Puerto Rico (EIS Order #810457)

US Water Resources Council

Draft—Yadkin-Pee Dee River Basin Water Resources Study, North Carolina and South Carolina (EIS Order #810461)

[FR Doc. 81-16335 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1857-6]

Intent To Prepare an Environmental Impact Statement for the City of Anchorage, Alaska

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of intent.

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an Environmental Impact Statement (EIS) and publishes this Notice of Intent in accordance with 40 CFR 1501.7.

FOR FURTHER INFORMATION ON DATE AND TIME, CONTACT:

Clark Smith, Project Monitor, Environmental Evaluation Branch (M/S 443), Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, Telephone: (206) 442-1285.

SUMMARY: The EPA Region X has distributed to the public a detailed Notice of Intent on the proposed EPA approval of grant monies to upgrade and extend the sewer facilities to conform with the requirements of Section 201 of the Clean Water Act (P.L. 95-217) for the design and construction of wastewater interceptors and treatment system for the City of Anchorage, Alaska. Copies of the detailed notice are available from the Project Monitor identified above.

SCOPING: EPA will hold a meeting to determine the scope of the Draft EIS, at the Hill Building, 632 West Sixth Avenue, Anchorage, Alaska on July 10, 1981 at 1:30 p.m.

EXPECTED RELEASE OF THE DRAFT EIS:

EPA estimates the Draft EIS will be available for public review in approximately 10 (ten) months.

William N. Hedeman, Jr.,
Director, Office of Federal Activities.

June 16, 1981.

[FR Doc. 81-16334 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-37-M

[OPP-00143; PH-FRL-1858-4]

State FIFRA Issues Research and Evaluation Group (SFIREG); Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: There will be a two-day meeting of the State FIFRA Issues Research and Evaluation Group (SFIREG). The meeting will be open to the public.

DATE: Wednesday and Thursday, July 8 and 9, 1981, beginning at 8:30 a.m. on July 8 and ending prior to 12 noon on July 9.

ADDRESS: The meeting will be held in: Rm. 3906-3908, Waterside Mall, Environmental Protection Agency, 401 M St. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: P. H. Gray, Jr., Office of Pesticide Programs (TS-766C), Environmental Protection Agency, Rm. 915, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-0825).

SUPPLEMENTARY INFORMATION: This will be the ninth meeting of the full Group. The tentative agenda thus far includes the following topics:

1. Action items from the March, 1981, meeting of the full Group.
2. Regional reports.
3. Working Committee reports.
4. Other topics which may arise.

Dated: June 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

[FR Doc. 81-16353 Filed 6-18-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date; Correction

Released: June 15, 1981.

AM cut-off list B-19, released June 12, 1981 (46 FR 31764, June 17, 1981), inadvertently specified a cut-off date of July 19 and in the body of the list it specified a date of July 10.

That list is hereby corrected to specify the date of July 20, 1981, for all filing with regard to applications appearing on that list.

Federal Communications Commission.
William J. Tricarico,
Secretary.

[PR Doc. 81-18200 Filed 6-18-81; 6:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-380; File No. BPCT-7909
28 KK etc.]

**Christian Center, Inc., et al;
Designating Applications for
Consolidated Hearing on Stated
Issues; Hearing Designation**

Adopted: May 26, 1981.

Released: June 12, 1981.

By the Chief, Broadcast Bureau:
In re Applications of Christian Center,
Inc., North Little Rock, Arkansas, BC
Docket No. 81-380, File No. BPCT-
790928KK; Gemini Broadcasting
Company, Little Rock, Arkansas, BC
Docket No. 81-381, File No. BPCT-
791218KF; Teleco Arkansas Inc., Little
Rock, Arkansas, BC Docket No. 81-382,
File No. BPCT-800505KE; Little Rock TV
16, Inc., Little Rock, Arkansas, BC
Docket No. 81-383, File No. BPCT-
800515; LRTV Limited Partnership (MMT
Sales, Inc., General Partner) Little Rock,
Arkansas, BC Docket No. 81-384, File
No. BPCT-800516KF; Central Arkansas
Television, Inc., Little Rock, Arkansas,
BC Docket No. 81-385, File No. BPCT-
800516KG; May Broadcasting Company
of Arkansas, Inc., Little Rock, Arkansas,
BC Docket No. 81-386, File No. BPCT-
800516KH; Grant Broadcasting
Corporation of Little Rock, Little Rock,
Arkansas, BC Docket No. 81-387, File
No. BPCT-800516KI; For a Television
Construction Permit; Designating
applications for, consolidated hearing
on stated issues, Hearing designation
order.

1. The Commission, by the Chief,
Broadcast Bureau, acting pursuant to
delegated authority, has before it: (a) the
above-captioned mutually exclusive
applications of Christian Center, Inc.
(Christian Center), Gemini Broadcasting
Company (Gemini), Teleco Arkansas,
Inc. (Teleco Arkansas), Little Rock TV
16, Inc. (TV 16), LRTV Limited
Partnership, Central Arkansas
Television, Inc. (Central), May
Broadcasting Company of Arkansas,
Inc. (May), and Grant Broadcasting
Corporation of Little Rock (Grant
Broadcasting) for a new commercial
television station to operate on Channel
16, Little Rock, Arkansas;¹ (b) Central's
December 8, 1980, petition for leave to
amend its application; (c) Teleco

Arkansas' opposition to the petition, and
(d) Central's reply.

2. One applicant specifies North Little
Rock as its community of license, while
the others specify Little Rock.
Consequently, it will be necessary to
determine, pursuant to Section 307(b) of
the Communications Act of 1934, as
amended, whether a new station in
North Little Rock or Little Rock would
best provide a fair, efficient, and
equitable distribution of radio service. If
the Section 307(b) issue is not
determinative (the applicants would
serve substantial areas in common), all
the applicants can be considered under
the comparative issue.

3. On December 8, 1980, Central filed
a petition for leave to amend its
application in order to report the
withdrawal of Daniel H. Garner, Jr., the
president and 30% shareholder of the
applicant. His shares were distributed
among the other five shareholders in
proportion to their respective ownership
of the remaining shares. In opposition to
Central's petition, Teleco Arkansas
argues that the amended distribution of
shares would increase Black ownership
from 33% to 47.1% and female ownership
from 21% to 30%² and that this attempt
to improve its comparative position
came after the time for amendment as of
right had passed on August 11, 1980.
Teleco Arkansas also charges that
Central was attempting to avoid the
comparative impact of Garner's 45%
interest in Metroplex Television, Inc.,
applicant for Channel 23 in Richardson,
Texas (BPCT-800814KG); however,
since the Richardson application was
dismissed at the applicant's request on
November 25, 1980, the question is moot.

4. Section 1.65 of the Rules requires
applicants to maintain the substantial
accuracy and completeness of their
applications; however, applicants may
not change their comparative status
after the cut-off date. Although Central
properly reported Garner's withdrawal,
the applicant cannot rely on any
comparative advantage that it may have
incidentally received. Consequently, for
the comparative aspect of this
proceeding, Black and female
participation in Central shall be
considered as at 33% and 7%,
respectively. Consequently, Central's
petition for leave to amend will be
granted subject to the comparative
restrictions set out above.

² Teleco Arkansas has apparently erroneously
assumed that Perlesta Hollingsworth is female,
consequently, female ownership would increase
from 7% to 10%.

Christian Center, Inc.

5. Christian Center estimates that at
least \$99,266 will be required to
construct its proposed station and to
operate it for three months, itemized as
follows:

Equipment	\$29,500
Auxiliary generators	\$30,000
Land and building	"
Tower rent (five months)	4,166
Legal, engineering, installation and other miscellaneous costs	12,000
Operating costs, (three months)	23,800
Total	\$99,266

¹ The applicant has been given additional equipment worth
approximately \$280,000.

² At least.

³ On hand.

The applicant proposes an unknown
number of auxiliary generators at a cost
of \$15,000 to \$20,000 each. Since we are
unable to determine the number and
cost of generators, an appropriate issue
will be specified. Further, the applicant
proposes only \$2,500 for legal expenses,
but that amount would appear to be
unrealistically low, since the cost of
prosecuting the application through
hearing must be included, and an
appropriate financial issue will be
specified.

6. To meet its expenses, Christian
Center intends to rely on \$43,528 in
existing capital and on a \$25,000 loan
from an unstated source. We cannot
determine the net liquid assets available
to the applicant, since its balance sheet
was outdated upon the initial filing of its
application. See FCC Form 301, Section
III, Question 2a. Further, we are unable
to determine the availability of the
\$25,000 loan. Consequently, we are
unable to determine the availability of
any funds to Christian Center, and an
appropriate financial issue will be
specified.

Gemini Broadcasting Company

7. Gemini estimates that \$961,534 will
be required to construct its proposed
station and to operate it for three
months, itemized as follows:

Equipment (downpayment)	\$447,750
(Three months)	117,534
Land	()
Building	100,000
Legal, engineering, and installation and other miscellaneous costs	32,500
Operating costs (three months)	263,750
Total	\$961,534

¹ Lease.

In its proposed operating budget,
Gemini does not allow for the cost of
leasing the land. Accordingly an
appropriate issue will be specified to
determine the cost of leasing the land
for five months (two months for

¹ Pursuant to Section 73.607(b) of the
Commission's Rules, Christian Center proposes
North Little Rock, Arkansas, as its principal
community.

construction and three months while in operation).

8. To meet its expenses, Gemini intends to rely on \$250,000 in stock subscriptions and another \$950,000 in loans from its stockholders, Anthony Kupris and his six children. The children have not submitted balance sheets, and Kupris' balance sheet indicates net liquid assets of \$1,043,400; however, Kupris and his children have already committed \$1,200,000 to Daytona Broadcasting Company, Inc. for the construction and operation of a new commercial television station to operate on Channel 26 in Daytona Beach, Florida (BPCT-800811KE). Because Kupris' commitment exceeds the capital available, it cannot be determined that Kupris has the net liquid assets to provide any capital for the proposed Little Rock station. Accordingly, an appropriate financial issue will be specified.

9. Gemini fails to indicate when it conducted both its community leader and general public surveys, as required by Question and Answer 15 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants*, 27 F.C.C. 2d 650 (1971). Accordingly, an appropriate ascertainment issue will be specified.

Teleco Arkansas, Inc.³

10. Teleco, Inc. is the 75% stockholder of the applicant. Two of Teleco, Inc.'s six directors (Stanley R. Shenkman and Seymour Epstein) are Canadian citizens. Section 310(b)(4) of the Communications Act of 1934, as amended, provides that broadcast station licenses shall not be granted to or held by:

Any corporation directly or indirectly controlled by any other corporation of which * * * more than one-fourth of the directors are aliens, * * * if the Commission finds that the public interest will be served by the refusal or revocation of such license.

While a literal reading of this language would seem to establish the Commission's finding as a condition subsequent, this approach would compel

³Teleco Arkansas proposes to operate from a tower 1161 feet above ground. Section 1.1305(a)(2) of the Rules considers an application proposing a tower in excess of 300 feet in height to be a major action within the meaning of the National Environmental Policy Act, and Section 1.1311 requires the submission of an environmental narrative statement from applicants proposing such major actions. Teleco Arkansas argues that it is exempt from this requirement, since its proposed site is 600 feet from an existing tower that is approximately 50 feet higher than the proposed tower; however, one existing tower cannot be classified as a *de facto* antenna farm. Consequently, Teleco Arkansas will be required to submit an environmental narrative statement within 30 days of the mailing of this Order.

a corporation which controls a corporate applicant to elect aliens as corporate directors at its peril and at the risk of having its subsidiary's application dismissed. The Commission has long held that a better approach—and one that would recognize the changing composition of modern corporate structures—would be to make a public interest determination on the basis of undisputed facts presented by the applicant, which determination would have continuous validity in the absence of new or changed circumstances of substantial materiality. *Request for a Declaratory Ruling Concerning Section 310(A)(5)*, 23 F.C.C. 2d 659 (1970). More than one-fourth of Teleco, Inc.'s directors are aliens; however, the applicant has provided no showing whereby we can make the requisite public interest determination. Accordingly, appropriate issues will be specified.

11. Teleco Arkansas estimates that \$1,883,404 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment by deferred credit: ¹	
(Downpayment)	\$535,459
(Three months)	140,558
Equipment by cash	250,116
Building	250,000
Legal, engineering, installation, and other miscellaneous costs	245,000
Operating costs, including transmitter site and studio lease	462,271
Total	1,883,404

¹ Although under its terms, the RCA letter extending deferred credit for the purchase of equipment expired on November 28, 1980, it is reasonable to assume that the applicant would still be able to obtain the same or similar credit arrangement from RCA or another equipment supplier should it receive a grant in this proceeding. *Contemporary Television Broadcasting, Inc.*, Mimeo No. 05812 (released Jan. 16, 1981).

To meet this requirement, Teleco Arkansas intends to rely on a \$2,000,000 loan from Teleco, Inc., \$100,000 in stock subscriptions by Teleco, Inc., Felix Pierre, and John Washington, and \$10,154 in existing capital. Although Teleco, Inc. has a \$2,000,000 line of credit from Manufacturers Hanover Trust Company, it is not earmarked for Teleco Arkansas' construction and operating costs. Without Teleco, Inc.'s balance sheet we cannot determine how much of that amount would be available. See *Contemporary Television Broadcasting, Inc.*, *supra*. In addition, we cannot determine that Pierre and Washington have the net liquid assets to meet their stock subscriptions, since they have not submitted their balance sheets.⁴ Finally, although the applicant

⁴ The applicant states that to the extent any of the other shareholders are unable to meet their stock subscriptions, Ben Allen and Jerald Barnett will supply the necessary capital; however, we cannot determine their net liquid assets, since they have also not submitted balance sheets.

not demonstrate the availability of any net liquid assets, so we cannot credit Teleco Arkansas with any existing capital. Consequently, we cannot determine the availability of any funds to Teleco Arkansas, and an appropriate financial issue will be specified.

Little Rock TV 16, Inc.

12. Since we have not received a determination from the Federal Aviation Administration that TV 16's proposed tower height and location would not constitute a hazard to air navigation an issue regarding this matter is required.

Central Arkansas Television, Inc.

13. Central estimates that \$546,668 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment rental (five months)	\$157,510
Studio rental (five months)	42,500
Legal, engineering, installation, and other miscellaneous costs	36,500
Operating costs (three months)	310,158
Total	546,668

The applicant does not indicate the costs it will incur in purchasing or leasing a transmitter site and transmitter building. Accordingly, an appropriate financial issue will be specified.

14. To meet its expenses, Central intends to rely on \$350,700 in stock subscriptions.⁵ None of five remaining subscribers have demonstrated the net liquid assets to meet their proportionate subscriptions.⁶ Consequently, Central would require an additional \$417,028 plus the cost of purchasing or leasing a transmitter site and transmitter building, and an appropriate financial issue will be specified.

⁵ This amount reflects the withdrawal from the applicant of Daniel H. Garner, Jr. (see paragraphs 3 and 4, *supra*).

⁶ Neither James Tucker nor Maria Haley has demonstrated the availability of any net liquid assets. Thedford Collins has demonstrated net liquid assets of only \$2,500. Richard Mays has shown net liquid assets of only \$50,000 to meet his \$70,140 stock subscription; however, we will credit him with the full amount since he has submitted a realtor's appraisal of commercial property valued at \$170,000 and a statement that he is prepared to sell that property in order to meet the terms of his stock subscription. Perlesta Hollingsworth has shown net liquid assets of only \$16,000 to meet his \$70,140 stock subscription; however, we will credit him with \$57,000 since he has submitted a realtor's appraisal of his house valued at \$80,000 (less a \$29,000 mortgage) and a statement that he is prepared to sell that property in order to meet the terms of his stock subscription. Accordingly, the stock subscribers have demonstrated the availability of only \$129,640.

Grant Broadcasting Corporation of Little Rock

15. Grant Broadcasting estimates that \$1,710,003 will be required to construct its proposed station and to operate it for three months, itemized as follows:

Equipment (downpayment)	\$619,250
(Three months)	162,553
Land	(¹)
Building	185,000
Legal, engineering, installation, and other miscellaneous costs	177,500
Operating costs (three months)	565,700
Total	1,710,003

¹ Lease.

To meet this requirement, Grant Broadcasting intends to rely on a \$3,000,000 (net \$2,888,500) loan from the Equitable Trust Company, Baltimore, Maryland, and on \$100,000 in stock subscriptions; however, subscription agreements representing only \$80,000 have been submitted. With the exception of Milton Grant, none of the subscribers have demonstrated the availability of any net liquid assets. Grant has shown the availability of only \$43,100. Consequently, the applicant will be credited with the availability of \$2,931,600. At no place in its application does Grant Broadcasting set out the cost of the land lease; however, in view of the fact that it would be improbable that Grant Broadcasting's costs to lease the land would exceed \$1,221,597 (the amount available to the applicant after it meets its other expenses), we will not specify an issue as to Grant Broadcastings' availability of funds.

16. Grant Broadcasting fails to indicate when its general public survey was conducted, as required by Question and Answer 15 of the *Primer, supra*. Accordingly, an appropriate ascertainment issue will be specified.

Conclusion and order

17. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. Since the applications are mutually exclusive, the Commission is unable to make the statutory finding that their grant will serve the public interest, convenience, and necessity. Therefore, the applications must be designated for hearing in a consolidated proceeding on the issues set out below.

18. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Commission Action of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Christian Center, Inc.:

(a) The number of and cost of auxiliary generators;

(b) Whether \$2500 will be adequate to meet the applicant's legal expenses, and if not, the legal costs that will be required;

(c) In light of the evidence adduced pursuant to (a) and (b) above, Christian Center's total construction and three month operating costs;

(d) The availability of financial resources to meet the applicant's construction and three month operating costs;

(e) Whether, in light of the evidence adduced pursuant to (a)-(d) above, the applicant is financially qualified to construct and operate as proposed;

2. To determine, with respect to Gemini Broadcasting Company:

(a) The cost of leasing the land for five months;

(b) In light of the evidence adduced pursuant to (a) above, Gemini's total construction and three month operating costs;

(c) The availability of financial resources to meet the applicant's construction and three month operating costs;

(d) Whether, in light of the evidence adduced pursuant to (a)-(c) above, the applicant is financially qualified to construct and operate as proposed;

(e) Whether, the applicant has complied with the provisions of Question and Answer 15 of the *Primer*; and

(f) Whether, in light of the evidence adduced pursuant to (e) above, the applicant is qualified.

3. To determine, with respect to Teleco Arkansas, Inc.:

(a) The nature and extent of alien control of Teleco, Inc.;

(b) The nature and extent of control by Teleco, Inc. of Teleco Arkansas;

(c) Whether, in light of the evidence adduced pursuant to (a) and (b) above, grant of Teleco Arkansas' application would be in the public interest and, if not, the effect thereof on the applicant's basic qualifications;

(d) Whether the applicant has \$1,883,404 available for its construction and three month operating costs; and

(e) Whether, in light of the evidence adduced pursuant to (d) above, the applicant is financially qualified to construct and operate as proposed.

4. To determine whether there is a reasonable possibility that the tower height and location proposed by Little Rock TV 16, Inc. would constitute a hazard to air navigation and, if so, whether the applicant is qualified.

5. To determine, with respect to Central Arkansas Television, Inc.:

(a) The cost of purchasing or of leasing the transmitter site and transmitter building for five months;

(b) In light of the evidence adduced pursuant to (a) above, Central's total construction and three month operating costs;

(c) The availability of financial resources in addition to the \$129,640 in stock subscriptions to meet the applicant's construction and three month operating costs; and

(d) Whether, in light of the evidence adduced pursuant to (a)-(c) above, the applicant is financially qualified to construct and operate as proposed.

6. To determine whether Grant Broadcasting Corporation of Little Rock has complied with the provisions of Question and Answer 15 of the *Primer* and, if not, whether the applicant is qualified.

7. To determine, in light Section 307(b) of the Communications Act of 1934, as amended, which of the proposals would provide a fair, efficient, and equitable distribution of television service.

8. In the event it is concluded from Issue 7 above that a choice among applications should not be based solely on consideration relating to Section 307(b), to determine which of the proposals would, on a comparative basis, best serve the public interest.

9. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

19. It is further ordered, That within 30 days of the mailing of this Order, Teleco Arkansas, Inc. shall submit its environmental narrative statement as a supplement to its application.

20. It is further ordered, That Central's petition for leave to amend is granted; however, for the comparative aspect of this proceeding, Black and female participation in Central shall be considered as 33% and 7%, respectively.

21. It is further ordered, That the Federal Aviation Administration is Made a party respondent with the respect to Issue 4 above.

22. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein and the Federal Aviation Administration shall, pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for hearing and to present evidence on the issues specified in this Order.

23. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act and Section 73.3594 of the Commission's Rules, give notice of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

By Larry D. Eads,

Acting Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 81-18201 Filed 6-18-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10427; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 29, 1981, in which this notice appears. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T-2810-A.

Filing Party: T. Terrell Sessums,
General Counsel, Tampa Port Authority,
811 Wynkoop Road, P.O. Box 2192,
Tampa, Florida 33601.

Summary: Agreement No. T-2810-A modifies the basic agreement between the Tampa Port Authority (Authority) and Edward-Stephen of Tampa, Inc., subleased to Uiterwyk Cold Storage Corp. (Uiterwyk) under FMC Agreement No. T-2811. Agreement No. T-2810 provides for Uiterwyk's lease of land along with preferential berthing rights to an adjacent dock and apron, at the Holland Terminal Area, East Bay, Hookers Point, Tampa, Florida.

Agreement No. T-2810-A is a Supplemental Facilities Lease whereby the Authority agrees to purchase from Uiterwyk an existing 20,000 sq. ft. warehouse, and to enlarge it by an additional 28,000 sq. ft. to accommodate increased shipments. The Authority will arrange to finance the cost of the project, with the total price of the transactions not to exceed \$417,000. Uiterwyk will rent both buildings from the Authority according to a schedule of rental fees as set forth in the agreement. The agreement will become effective upon securing Commission approval and will expire on April 30, 2013.

By Order of the Federal Maritime Commission.

Dated: June 18, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-18201 Filed 6-18-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that request a hearing must include a statement of the reasons a written presentation

would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than July 11, 1981.

A. Federal Reserve Bank of Richmond
(Lloyd W. Bostian, Jr., Vice President)
701 East Byrd Street, Richmond, Virginia
23261:

NCNB Corporation, Charlotte, North Carolina (factoring and commercial finance activities; Atlanta, Georgia); to engage, through its subsidiary, NCNB Financial Services, Inc., in making or acquiring loans or other extensions of credit such as would be made by a factoring and commercial finance company, including commercial loans secured by a borrower's inventory, accounts receivable or other accounts, and servicing such loans for others in accordance with the Board's Regulation Y. These activities would be conducted from an office at 2150 Parklake Drive, N.E., Suite 180, Atlanta, Georgia 30345, serving the States of Georgia, Tennessee, Alabama and Mississippi.

B. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Correction

This notice corrects a previous Federal Register notice (F.R. Doc. 81-17311) published at page 30890 of the issue for Thursday, June 11, 1981. The location of the proposed service areas has been corrected.

BankAmerica Corporation, San Francisco, California (financing, servicing, and insurance activities; Missouri and Illinois); to engage through its indirect subsidiaries, FinanceAmerica Corporation of Missouri, a Missouri corporation, and FinanceAmerica Credit Corporation, a Delaware corporation, in the activities of making or acquiring for their own accounts loans and other extensions of credit such as would be made or acquired by a finance company; servicing such loans and other extensions of credit; and offering credit-related life, credit-related accident and health and credit-related property

insurance. The activities of FinanceAmerica Corporation of Missouri will include, but not be limited to, making consumer installment loans, purchasing installment sales finance contracts, making loans and other extensions of credit to small businesses, and making loans secured by real and personal property. The activities of FinanceAmerica Corporation will include, but not be limited to, making first mortgage residential real estate loans in excess of \$2,500. Both corporations will offer credit-related life, accident, and health and property insurance directly related to extensions of credit made or acquired by FinanceAmerica Corporation of Missouri and FinanceAmerica Credit Corporation.

These activities will be conducted from a *de novo* office located in Florissant, Missouri, serving the entire states of Missouri and Illinois. Comments on this application must be received not later than July 1, 1981.

C. Other Federal Reserve Banks:

None.

Board of Governors of the Federal Reserve System, June 12, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-18229 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the

evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 9, 1981.

A. Federal Reserve Bank of St. Louis
(Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166;

The State First National Bank and Commercial Investment Company, both of Texarkana, Arkansas (leasing: Arkansas, Louisiana, Oklahoma and Texas); to engage, through Commercial Investment Company, in leasing personal property in accordance with the Board's Regulation Y. This activity will be conducted from an office in Texarkana, Arkansas, serving the area within a 75 mile radius of Texarkana.

B. Federal Reserve Bank of Kansas City
(Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198;

Patrons Bancorporation, Inc., Olathe, Kansas (consumer and commercial lending, and insurance activities; Kansas); to engage, through its *de novo* subsidiary, Patrons Loan Company, in: consumer and commercial lending activities, including the extension of direct loans to consumers, the discount of retail and installment notes or contracts, the origination of SBA guaranteed loans, the origination of guaranteed student loans, the extension of direct loans to dealers for the financing of inventory (floor planning) and working capital purposes; and acting as agent for the sale of credit life and accident and health insurance directly related to its extensions of credit. These activities will be conducted from offices in Olathe, Kansas, principally serving Olathe and the surrounding community.

C. Federal Reserve Bank of San Francisco
(Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120;

Security Pacific Corporation, Los Angeles, California (financing activities; Florida); to engage, through its subsidiary, Security Pacific Finance Corp., in making or acquiring for its own account or for the accounts of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to

small business and other extensions of credit such as would be made by a factoring company or a consumer finance company. These activities would be conducted from an office of Security Pacific Finance Corp. located in St. Petersburg, Florida, serving the State of Florida.

D. Other Federal Reserve Banks:

None.

Board of Governors of the Federal Reserve System, June 10, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-18231 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application.

Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than July 11, 1981.

A. Federal Reserve Bank of Boston
(Richard E. Randall, Vice President) 600
Atlantic Avenue, Boston, Massachusetts
02108:

Industrial National Corporation,
Providence, Rhode Island (mortgage
banking and insurance activities;
Connecticut, Maine, Massachusetts,
New Hampshire, and Vermont); to
engage through its subsidiary, Mortgage
Associates, Inc., in the activities of
making, selling, and servicing residential
mortgage loans, and acting as agent for
the sale of credit life, accident and
health insurance. These activities would
be conducted from an office in Bedford,
New Hampshire, doing business as
Atlantic Mortgage Associates, serving
the States of Connecticut, Maine,
Massachusetts, New Hampshire and
Vermont.

B. Federal Reserve Bank of New York
(A. Marshall Puckett, Vice President) 33
Liberty Street, New York, New York
10045:

The Chase Manhattan Corporation,
New York, New York, (financing and
leasing activities; Ohio, Kentucky,
Tennessee, West Virginia and Indiana);
to engage through its wholly-owned
subsidiary, CCC Holding Inc., in the
making or acquiring, for its own account
or for the account of others, loans and
other extensions of credit such as would
be made by a commercial finance,
equipment finance or factoring
company, including factoring accounts
receivable, making advances over-
advances on receivables and inventory
and business installment lending as well
as unsecured of credit; leasing on a full
payout basis personal property or acting
as agent, broker or adviser in leasing
such property, including the leasing of
motor vehicles.

These activities will be conducted by
a wholly-owned subsidiary of CCC
Holding Inc., Chase Commercial
Corporation, A Delaware Corporation
with its principal office located at 105 E.
Fourth Street, Cincinnati, Ohio.

The served market for this Office
comprises the States of Ohio, Kentucky,
Tennessee, West Virginia and Indiana.

Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve
System, June 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18232 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Cary-Grove Bancorp, Inc., et al.; Acquisition of Bank

Cary-Grove Bancorp, Inc., Cary, Elk
Grove Bancorp, Inc., Elk Grove Village,
Hoffman Bancorp, Inc., Hoffman Estates,

Meadows Bankcorp, Inc., Rolling
Meadows, Suburban Bancorp, Inc.,
Palatine, Subpal Bancorp, Inc., Palatine,
Woodfield Bancorp, Inc., Schaumburg,
all of Illinois, has applied for the Board's
approval under section 3(a)(3) of the
Bank Holding Company Act (12 U.S.C.
1842(a)(3)) each to acquire between 11
and 14 percent of the voting shares of
Arlington Bancorp, Inc., Arlington
Heights, Illinois, and thereby indirectly
its subsidiary, Suburban National Bank
of Arlington Heights, Arlington Heights,
Illinois, a *de novo* bank. The factors that
are considered in acting on the
application are set forth in section 3(c)
of the Act (12 U.S.C. 1842(c)).

The application may be inspected at
the offices of the Board of Governors or
at the Federal Reserve Bank of Chicago.
Any person wishing to comment on the
application should submit views in
writing to the Reserve Bank to be
received not later than July 3, 1981. Any
comment on an application that requests
a hearing must include a statement of
why a written presentation would not
suffice in lieu of a hearing, identifying
specifically any questions of fact that
are in dispute and summarizing the
evidence that would be presented at a
hearing.

Board of Governors of the Federal Reserve
System, June 11, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18233 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Michigan National Corp.; Acquisition of Bank

Michigan National Corporation,
Bloomfield Hills, Michigan, has applied
for the Board's approval under section
3(a)(3) of the Bank Holding Company
Act (12 U.S.C. 1842(a)(3)) to acquire 100
per cent of the voting shares of the
successor by merger to The Midwest
Bank, Jackson, Michigan. The factors
that are considered in acting on the
application are set forth in section 3(c)
of the Act (12 U.S.C. 1842(c)).

The application may be inspected at
the offices of the Board of Governors or
at the Federal Reserve Bank of Chicago.
Any person wishing to comment on the
application should submit views in
writing to the Reserve Bank to be
received not later than July 14, 1981. Any
comment on an application that requests
a hearing must include a statement of
why a written presentation would not
suffice in lieu of a hearing, identifying
specifically any questions of fact that
are in dispute and summarizing the
evidence that would be presented at a
hearing.

Board of Governors of the Federal Reserve
System, June 15, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18234 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Union Planters International Bank; Corporation To Do Business Under Section 25(a) of the Federal Reserve Act; Establishment of U.S. Branch of a Corporation Organized Under Section 25(a)

An application has been submitted for
the Board's approval of the organization
of a corporation to do business under
section 25(a) of the Federal Reserve Act
("Edge Corporation"), to be known as
Union Planters International Bank,
Memphis, Tennessee. Union Planters
International bank would operate as a
subsidiary of Union Planters National
Bank of Memphis, Memphis, Tennessee.
The proposed corporation has also
applied for the Board's approval under
section 211.4(c)(1) to establish a branch
in New York, New York. The factors
that are considered in acting on the
applications are set forth in section
211.4(a) of the Board's Regulation K (12
CFR 211.4(a)).

The applications may be inspected at
the offices of the Board of Governors or
at the Federal Reserve Bank of St. Louis.
Any person wishing to comment on the
applications should submit views in
writing to the Secretary, Board of
Governors of the Federal Reserve
System, Washington, D.C. 20551 to be
received no later than July 11, 1981. Any
comment on an application that requests
a hearing must include a statement of
why a written presentation would not
suffice in lieu of a hearing, identify
specifically any questions of fact that
are in dispute and summarize the
evidence that would be presented at a
hearing.

Board of Governors of the Federal Reserve
System, June 12, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18235 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

United Bank Corporation of New York; Correction

This notice corrects a previous
Federal Register document (FR Doc. 81-
17319) published at page 30894 of the
issue for Thursday, June 11, 1981. The
applicant's name was incorrectly listed
as United Bank Corporation, and
applicant's location was omitted. United

Bank Corporation of New York is located in Albany, New York.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18236 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

Detroitbank Corp.; Acquisition of Bank

Detroitbank Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation of SNB Bank and Trust, Battle Creek, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than July 1, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, June 18, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-18307 Filed 6-18-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Marvin L. Warner is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all voting securities of Western Savings Association. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take

any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: June 9, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-18220 Filed 6-18-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Frederick R. Carlson, District Director, Boston District Office, Boston, MA.

DATE: The meeting will be held from 10 a.m. to 12:30 p.m., Tuesday, June 30, 1981.

ADDRESS: The meeting will be held at the Post Office and Courthouse Bldg., 2d Floor Conference Rm., Springfield, MA 01101.

FOR FURTHER INFORMATION CONTACT: Yolán L. Harsanyi, Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617-223-5857.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Boston District Office, and

contribute to the agency's policymaking decisions on vital issues.

Dated: June 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18039 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Frederick R. Carlson, District Director, Boston District Office, Boston, MA.

DATE: The meeting will be held from 10 a.m. to 12:30 p.m., Thursday, June 25, 1981.

ADDRESS: The meeting will be held at the Food and Drug Administration, 585 Commercial St., 2d Floor Conference Rm., Boston, MA 02109.

FOR FURTHER INFORMATION CONTACT:

Yolán L. Harsanyi, Consumer Affairs Officer, Food and Drug Administration, 585 Commercial St., Boston, MA 02109, 617-223-5857.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Boston District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 12, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18038 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by Adam J. Trujillo, District Director, Orlando District Office, Orlando, FL.

DATE: The meeting will be held from 1:30 to 4 p.m., Wednesday, July 1, 1981.

ADDRESS: The meeting will be held at the FDA Orlando District Office, 7200

Lake Ellenor Dr., Rm. 120, Orlando, FL 32809.

FOR FURTHER INFORMATION CONTACT:

Lynne C. Isaacs, Consumer Affairs Officer, Food and Drug Administration, P.O. Box 118, Orlando, FL 32802, 305-855-0900.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Orlando District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: June 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17916 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by George R. White, District Director, Atlanta District Office, Atlanta, GA.

DATE: The meeting will be held at 10:30 a.m., June 19, 1981.

ADDRESS: The meeting will be held at the Brighton Multipurpose Center, 4100 Main St., Brighton, AL 35020.

FOR FURTHER INFORMATION CONTACT:

Janice Moton, Consumer Affairs Officer, Food and Drug Administration, 1182 W. Peachtree St. NW., Atlanta, GA 30309, 404-881-7355.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between local consumers and FDA's Atlanta District Office, and contribute to the agency's policymaking decisions on vital issues.

Dated: June 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17917 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0186]

Miles Laboratories, Inc.; Premarket Approval of BIOSTATOR® Glucose Controller

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the BIOSTATOR® Glucose Controller sponsored by Miles Laboratories, Inc., Elkhart, IN. After reviewing the recommendation of the General Hospital and Personal Use Device Section of the General Medical Devices Panel, FDA notified the sponsor that the application was approved because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by July 20, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Henry Goldstein, Bureau of Medical Devices (HFA-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On October 6, 1981, Miles Laboratories, Elkhart, IN 46515, submitted to FDA an application for premarket approval of the BIOSTATOR® Glucose Controller, a closed loop, feedback controlled device for the achievement and maintenance of selected blood glucose levels. The application was reviewed by the General Hospital and Personal Use Device Section of the General Medical Devices Panel, an FDA advisory committee, which recommended approval of the application. On May 28, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the *Federal Register*. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before July 20, 1981, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 10, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-17915 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-01-M

[Docket Nos. 78N-0434, 78N-0436]

Ivy-Reed Co., Inc., Syntex Laboratories, Inc., and Mattox & Moore, Inc.; Estradiol Benzoate; Steer-Oid, Synovex-S, Synovex-H, and Esmopal; Reopening of Administrative Record; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Notice; Extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submitting comments on the issues set forth in a notice published in the *Federal Register* of May 1, 1981 (46 FR 24694).

DATE: Comments are to be submitted by August 18, 1981.

ADDRESS: Written comments to the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Neal Castagnoli, Special Assistant to the Commissioner (HF-4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4970.

SUPPLEMENTARY INFORMATION: In the *Federal Register* of May 1, 1981 (46 FR 24694), FDA announced the reopening of the administrative record concerning the notices of opportunity for hearing issued by the Bureau of Veterinary Medicine proposing to refuse approval of a new animal drug application (NADA) and to withdraw approval of NADA's on the grounds that the products are not shown to be safe. All the applications concerned the use of products containing estradiol benzoate in combination with progesterone, testosterone propionate, and estradiol monopalmitate for use in food-producing animals. FDA requested comments by all participants and interested persons on the issues set forth in that notice. Written comments were to be submitted by June 30, 1981.

FDA has received a request to extend the comment period to allow time for comment on additional material being placed at this time in the administrative file.

After carefully evaluating the request, FDA has concluded that an extension is appropriate to provide adequate time to prepare responses to the notice. FDA recognizes the significance of the issues involved in this matter and wishes to ensure that all interested parties have a fair amount of time for comment. Therefore, FDA has concluded that the comment period should be extended to August 18, 1981.

Interested persons may, on or before August 18, 1981 submit to the Dockets Management Branch (address above), written comments regarding this notice. Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 12, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-18175 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-03-M

Health Resources Administration

Title XV of the Public Health Service Act, National Health Planning and Development; Delegations of Authority

Notice is hereby given that in furtherance of the delegation of March 19, 1981, by the Acting Assistant Secretary for Health to the Administrator, Health Resources Administration (46 FR 19324), of the authorities under Title XV of the Public Health Service Act (42 U.S.C. 300k *et seq.*), as amended, pertaining to national health planning and development, the Acting Administrator, Health Resources Administration, has made the following delegations of authority under Title XV of the Public Health Service Act, as amended:

1. Delegation from the Acting Administrator, Health Resources Administration, to the Regional Health Administrators of:

a. Authority under Section 1514 to provide technical assistance to entities desiring to be designated as health systems agencies.

b. Authority under Section 1516(a) to make grants to designated health systems agencies to assist in the performance of the functions of the agencies.

c. Authority under Section 1516(c)(2) to reduce the amount of grants to designated health systems agencies after reviewing the agency budget and after consulting with the State Agency.

d. Authority under Section 1516(d)(2) to issue discretionary funding grants to health systems agencies.

e. Authority under Section 1521(b)(4)(A) to provide health systems agencies with an opportunity to comment on the performance of State Agencies and on whether State Agency agreements should be renewed.

f. Authority under Section 1522(c) to approve State administrative programs and any modifications to such State programs, and the authority to conduct the review for compliance of each approved State program.

g. Authority under Section 1523(b)(1) to approve requests by the State Governors to enter into agreements for performance of functions by another agency of the State government.

h. Authority under Section 1525(a) and Section 1525(b) to make grants to State

Agencies to assist in meeting the costs of their operations.

i. Authority under Section 1532(a) to approve exceptions to review procedures and to approve use of criteria by health systems agencies in their reviews under subsections (e), (f), and (g) of Section 1513, and by State Agencies in their reviews under Section 1532.

j. Authority under Section 1533(a)(1) and Section 1533(a)(3) to provide technical assistance to designated health systems agencies and State Agencies in developing health plans, and the authority to provide technical assistance concerning the performance of functions of designated health systems agencies and State Agencies. This does not include the authority to develop or publish the materials specified under Section 1533(b).

k. Authority under Section 1534(a) to provide technical and consulting assistance to designated health systems agencies and State Agencies to conduct research studies and analyses of health planning and resources development, and the authority to assist entities in developing new centers and operating existing and new centers for multidisciplinary health planning development and assistance. This does not include the authority to make grants or contracts under Section 1534(a).

l. Authority under Section 1535(a) to review and approve or disapprove the annual budget of each designated health systems agency and State agency.

m. Authority under Section 1535(c) and Section 1535(d) to review the structure, operation, and performance of the functions of designated health systems agencies and State Agencies.

These delegated authorities may be redelegated to officials within the Regional Offices, with further redelegation prohibited.

2. Delegation from the Acting Administrator, Health Resources Administration, to the Director, Bureau of Health Planning, Health Resources Administration, of the authority which was delegated to the Administrator, Health Resources Administration, under Title XV of the Public Health Service Act, as amended, excluding the authority delegated to the Regional Health Administrators, as specified in item 1 above, and the following authorities which the Administrator, Health Resources Administration, retains:

a. Authority under Section 1501(a) through Section 1501(d) concerning national guidelines for health planning.

b. Authority under Section 1502 concerning national health priorities.

c. Authority under Section 1511(b)(3)(B) and Section 1511(b)(4) concerning revisions of health services area boundaries.

d. Authority under Section 1513(e)(2) to make Federal funds available for proposed uses, notwithstanding the disapproval of the health systems agency, as such funds pertain to the administration of programs and functions assigned to the Health Resources Administration.

e. Authority under Section 1521(d)(2) to take the necessary action to reduce the amount of Federal funds to a State once the Secretary has determined that a State Agency for a State is ineligible for designation under Section 1521(b)(3) as such funds pertain to the administration of programs and functions assigned to the Health Resources Administration.

f. Authority under Section 1524(c)(6) to make Federal funds available for proposed uses, notwithstanding a recommendation of a Statewide Health Coordinating Council to disapprove a State plan or application, as such funds pertain to the administration of programs and functions assigned to the Health Resources Administration.

g. Authority to review annually the Federal regulations promulgated under Section 1532, and the authority to provide opportunity for submission of comments from and to consult with health systems agencies, State Agencies, and Statewide Health Coordinating Councils on the need to revise such regulations.

These authorities may be redelegated, with further redelegation prohibited.

Provision has been made that the following authorities under Title XV of the Public Health Service Act, as amended, are to be coordinated among the following officials:

a. Authority under Section 1501(e)(1) to collect data to determine whether the health care delivery systems meet or are changing to meet the goals included in health systems plans and State health plans is to be coordinated by the Director, Bureau of Health Planning, with the Associate Administrator for Planning, Evaluation, and Legislation, Health Resources Administration.

b. The authority to provide technical assistance, technical materials and the methodologies, policies, and standards necessary to carry out Section 1514, Section 1533(a), and Section 1534(a) is to be coordinated by the Director, Bureau of Health Planning, Health Resources Administration, with the Regional Health Administrators.

c. Provisions set forth under Title XV pertaining to the development and implementation of the health facilities

portion of the State health plans and related health systems plans, and Annual Implementation Plans are to be coordinated by the Director, Bureau of Health Planning, Health Resources Administration, with the Director, Bureau of Health Facilities, Health Resources Administration.

d. Provisions set forth under Title XV which link the health facilities portion of the state health plan to mandatory sanctions which apply to the State health plans are to be coordinated by the Director, Bureau of Health Planning, Health Resources Administration, with the Director, Bureau of Health Facilities, Health Resources Administration.

The April 20, 1979, delegation (44 FR 25930-25931), from the Acting Administrator, Health Resources Administration, to the Regional Health Administrators and to the Director, Bureau of Health Planning, Health Resources Administration, has been superseded.

These delegations became effective on June 9, 1981.

Robert Graham, M.D.,
Acting Administrator, Health Resources
Administration.

[FR Doc. 81-18254 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-83-M

Public Health Service

National Center for Health Care Technology; Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of the Federal Advisory Committee Act (Pub. L. 92-463), the FY 80 Annual Report for the National Council on Health Care Technology has been filed with the Library of Congress.

Copies are available to the public for inspection at the Library of Congress, Special Forms Reading Room, Main Building, or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, S.W., Washington, D.C. 20201. Telephone (202) 245-6791. Copies may be obtained from Mrs. Hilda Stofko, Executive Secretary, National Council on Health Care Technology, Room 17A-29, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone (301) 443-4097.

Dated: June 11, 1981.

Wayne C. Richey, Jr.,
Acting Executive Secretary Office of Health
Research, Statistics, and Technology.

[FR Doc. 81-18174 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-85-M

DEPARTMENT OF THE INTERIOR

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Diamond Shamrock Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 3419, Block 116, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 11, 1981.

Lowell G. Hammons,
Conservation Manager, Gulf of Mexico OCS
Region.

[FR Doc. 81-18172 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

New Mexico; Designation of an Area of Critical Environmental Concern

June 5, 1981.

The Bureau of Land Management (BLM), Socorro District Office, New Mexico, has recently completed a study of the Arroyo del Tajo Pictograph Site for potential designation as an Area of

Critical Environmental Concern (ACEC). The study involved amending the Stallion Management Framework Plan, including environmental analysis as an integral part of the planning process.

The Arroyo del Tajo Pictograph Site is located east of Socorro in an area of rugged granitic ridges and steep-walled arroyos characterized by natural sink holes called "tinajas." The study area encompasses approximately 1280 acres of BLM-administered surface and mineral estate in central Socorro County.

The Arroyo del Tajo Pictograph Site is the only known pictograph location related to the Piro Indian culture which dissolved after the Pueblo Revolt of 1680 A.D. The site is being considered for nomination to the National Register of Historic Places. The box canyon above the site is highly scenic.

Study of the potential designation and alternatives revealed no significant social, economic, environmental or institutional impacts from designation. However, management as an ACEC would involve closure of the area to off-road vehicle (ORV) use and segregation from mineral entry of 200 acres immediately surrounding the pictograph site.

After thorough consideration of recommendations from the Socorro District BLM staff, environmental assessment, and comments of support from the general public received in response to the February 20, 1981 Federal Register notice of intent, the Socorro District Manager has decided to amend the Management Framework Plan to designate 1280 acres in the Jornada Resource Area as the "Tinajas Area of Critical Environmental Concern" to protect the important cultural resource known as the Arroyo del Tajo Pictograph Site. This decision has received the concurrence of the New Mexico State Director of the BLM.

If you wish to protest this decision you have 30 days from the date of publication of this notice to file your protest in writing. The protest must include:

1. Your name, mailing address, telephone number and your interest in filing the protest;
2. A statement of the issue or issues being protested;
3. A statement of the part or parts of the plan amendment being protested;
4. A copy of all documents addressing the issue or issues that were submitted during the planning process, or an indication of the date the issue or issues were discussed for the record; and
5. A short, concise statement explaining why the District Manager's decision is wrong.

The protest should be sent to the State Director (921), U.S. Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

The State Director will promptly render a decision on each valid protest. Each protesting party will be informed of the decision and the reasons for the decision on his or her protest.

Documents pertaining to the analysis and conclusions reached by the District Manager may be reviewed at the Socorro District Office, 198 Neel Avenue NW., P.O. Box 1217, Socorro, New Mexico 87801.

Arlen P. Kennedy,

Socorro District Manager.

[FR Doc. 81-18109 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; South Atlantic Regional Technical Working Group; Meeting

The Outer Continental Shelf Advisory Board's South Atlantic Regional Technical Working Group meeting scheduled for June 25, 1981, in New Orleans, Louisiana, will not be held. The meeting was announced in the Federal Register on May 20, 1981 (Vol. 46, No. 97).

H. P. Sieverding,

Acting Manager, New Orleans, Outer Continental Shelf Office.

June 12, 1981.

[FR Doc. 81-18170 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs Advisory Council.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Rock Springs District Advisory Council. Notice of this meeting is required under 43 CFR, Part 1780.

DATES: Field Trip July 9, 1981, 9:30 a.m. until 4:00 p.m. Meeting July 10, 1981, 9:30 a.m. until 4:00 p.m.

ADDRESSES: Field Trip July 9, 1981: meet at BLM Kemmerer Resource Area Office, Diamondville, Wyoming, 9:30 a.m. Meeting July 10, 1981: Grade School, 1401 Lincoln Hts. Drive, Kemmerer, Wyoming, 9:30 a.m.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901 (307-382-5350).

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Review of minutes from May 14, 1981, meeting.
2. Discussion of July 9, 1981 field trip.
3. Public comment period (between 1:30 and 2:30 p.m.).
4. Discussion of items of interest for future meetings.
5. Arrangements for the next meeting.

The meeting and field trip are open to the public. Individuals wishing to go on the field trip will be expected to provide their own vehicle suitable for travel over rough, unpaved roads and surfaces. The field trip will examine a variety of impacts associated with increased development in the Overthrust Belt area.

Anyone interested in addressing the council may either make an oral statement during the public comment period or file a written statement prior to the July 10, 1981 meeting. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the meeting will be maintained in the District Office and be available for public inspection and reproduction during regular business hours.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 81-18168 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Spokane District Advisory Council; Meeting Postponement

Notice is hereby given in accordance with Pub. L. 95-579 and 43 CFR Part 1780 that a meeting of the Spokane District Advisory Council scheduled for June 11, 1981, has been postponed.

The date had to be changed in order to avoid conflicts in the personal schedules of several council members and also because the resignation of the council chairman has been presented to and accepted by the District Manager.

The council meeting will be held Tuesday, June 23, 1981, at 9:00 a.m., in Room 752 of the U.S. Court House, West 920 Riverside, Spokane, WA.

The agenda for the meeting is:

1. Discussion of the Oregon State Office Program Priority Guides.
2. District Manager's Draft Decisions for Step 3 of the Management Framework Plan for Benton and Franklin Counties.
3. Discussion of the Pasco, Washington, public meeting held April 30.
4. General discussion of unfinished and new business.

5. Next meeting's agenda.

The meeting is open to the public and news media. Interested persons may make oral statements to the council between 3:00 and 4:00 p.m., or file written statements for the council's consideration with the Spokane District Office of the BLM. Anyone wishing to make oral statements should notify the District Manager, Bureau of Land Management, Room 551, U.S. Court House, Spokane, WA 99201, telephone (509) 456-2570, by close of business, 4:30 p.m., June 19. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

A report of the council meeting will be maintained at the District Office and made available for public inspection and reproduction at the cost of duplication.

Roger W. Burwell,
District Manager.

June 5, 1981.

[FR Doc. 81-18171 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Intensive Wilderness Inventory Decision in Effect

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On May 29, 1981 the Interior Board of Land Appeals (IBLA) dismissed the appeals on Wilderness Inventory units UT-040-255—Upper Kanab Creek and UT-060-194—Harmony Flat. The appellant failed to file a Statement of Reasons for their appeal. Therefore, the Utah State Director's decision as originally published in the November 14, 1980 Federal Register (vol. 45, No. 222) is now in effect. In the decision, the two inventory units were found to lack wilderness characteristics and are no longer subject to management restrictions imposed by section 603 of Pub. L. 94-579. The two inventory units are dropped from further wilderness consideration.

Also, on May 29, 1981 the Interior Board of Land Appeals (IBLA) dismissed an appeal on wilderness inventory units UT-040-075—Horse Spring Canyon, UT-060-205A—Arch Canyon, and UT-060-205B—Mule Canyon. The appellant failed to file a Statement of Reasons for their appeals on these units. The units will, however, remain under management restrictions imposed by section 603 of Pub. L. 94-579 pending the resolution of a separate appeal to IBLA covering the same inventory units.

FOR FURTHER INFORMATION CONTACT:

Kent Biddulph, Utah BLM Wilderness Coordinator, (801) 524-5326.

Dated: June 10, 1981.

Gerald Magnuson,
Acting State Director.

[FR Doc. 81-18187 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

[Survey group 701]

Colorado; Filing of Plat of Survey

June 12, 1981.

Plat of survey of the following described lands accepted May 28, 1981 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective August 7, 1981.

Sixth Principal Meridian
T. 7 S., R. 101 W.

Plat of Survey, in three sheets, representing the dependent resurvey of the south boundary, and the east and west boundaries; survey of the Sectional Correction Line, an independent resurvey of the subdivisional lines and the metes-and-bounds survey of Tract Nos. 37 through 43.

This survey was executed to meet certain administrative needs of the Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2000 Arapahoe Street, Denver, Colorado 80205.

George C. Hinton,
Chief, Public Affairs.

[FR Doc. 81-18253 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action Leasing of Public Lands in the Utility Corridor Alaska

This Notice of Realty Action involves long term leases on public lands administered by the Bureau of Land Management in Alaska. The leases are intended to authorize construction and operation of public service facilities along the James Dalton Highway north of the Yukon River. The highway was opened by the State of Alaska to public travel as far north as Dietrich Camp on June 1, 1981, and seasonally will close again on September 1, 1981.

The sites examined and found suitable for leasing under provisions of Section 302 of the Federal Land Policy and Management Act (FLPMA), of 1976, and 43 CFR Part 2920, are at the Yukon Crossing and the Coldfoot Camp areas. The general legal descriptions of the sites are within the areas described as follows:

Yukon Crossing

Township 12 North, Range 11 West, Sections 1 and 2, Fairbanks Meridian, Alaska.

Coldfoot camp

Township 28 North, Range 12 West, Section 15, Fairbanks Meridian, Alaska.

More detailed description of the authorized tracts will be provided at the time of lease issuance. The sites will be leased on a competitive basis, and applications will only be accepted at the Fairbanks Bureau of Land Management District Office at Fort Wainwright from June 22 to August 21, 1981. Applications may be hand carried to the office or mailed to the BLM Yukon Area Manager, P.O. Box 1150, Fairbanks, Alaska 99707. The appraised rental on the sites is \$20.25 per acre per year at the Yukon Crossing site, and \$25.75 per acre per year at the Coldfoot Camp site. Applications must include the intended acreage (maximum of 20 acres at each site) as part of the overall proposal. No application will be accepted for less than the appraised price per acre. In addition, the selected lessee(s) shall reimburse the United States for reasonable administrative and other costs incurred by the United States in processing the lease(s) and for monitoring construction, operation, maintenance, and rehabilitation of the facilities authorized. The reimbursement of costs shall be in accordance with the provisions of 43 CFR 2803.1-1.

All applications must include a reference to this notice and a complete description of the proposed facilities and services to be offered. Such development plan must be in sufficient detail to allow evaluation of the feasibility of the proposed land use, impacts on the environment, public benefits from the land use, and the approximate cost of the proposal. This can be accomplished by providing details of the proposed use and activities; a description of all facilities and access needs; a map of sufficient scale to be legible; a legal description of proposed project location (acreage); schedule of facility construction; and any other information that may aid in evaluating the proposal. Applicants may be required to furnish evidence satisfactory to the Bureau that they have, or prior to commencement of construction, will have the technical and financial capability to construct, operate, maintain and terminate the project for which authorization is requested.

For more details of application content, refer to 43 CFR 2920, copies of which are available at the BLM

Fairbanks District Office, Yukon Resource Area. Also, available is information on what minimum and maximum services are planned, terms and conditions that will apply to the lease(s), location maps, evaluation criteria, etc. The Environmental Assessment concerning facilities along the road is also available for review.

For a period of 30 days from the date of last public review of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 1150, Fairbanks, Alaska 99701. Any adverse comments will be evaluated by the District Manager who may vacate or modify this Realty Action and issue a final determination. In the absence of any action by the District Manager, this Realty Action will become the final determination of the Bureau.

Carl D. Johnson,
District Manager.

[FR Doc. 81-16259 Filed 6-18-81; 8:45 am]
BILLING CODE 4310-84-M

Bureau of Reclamation

Proposed Downstream Riverbank Stabilization Program, Grand Coulee Dam, Wash.; Public Hearing on a Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Proposed Downstream Riverbank Stabilization, Grand Coulee Dam, Washington. This statement (INT DES 81-21, dated May 29, 1981) was made available to the public on that date.

This statement analyzes the environmental consequences of a proposal by the Bureau of Reclamation to utilize a combination of stabilization methods to reduce the possibility of historic landslides below Grand Coulee Dam being aggravated by river fluctuations resulting from the full operation of the new Third Powerplant. The banks of the Columbia River for approximately six miles downstream from Grand Coulee Dam are included in the proposal.

Stabilization methods proposed include reshaping and armoring riverbanks in some areas, and use of pumped wells, drainage shafts or tunnels. Relocation of people will be kept to a minimum. A mobile home park in the Coulee Dam East area will be relocated. Several alternatives are also presented with varying amounts of relocation.

A wildlife mitigation plan will compensate for the loss of wildlife habitat and annual losses to the upland game bird population associated with stabilization program activities. The program is scheduled to begin in 1982 with completion of most of the construction in about four years.

Principal environmental consequences of the program would be the long-term changes of the land form from reshaping and armoring the riverbanks, quarrying from local quarry sites, stockpiling of rip-rap, and the placing of excess material north of the community of Seaton's Grove. Over 100 pumped wells will be developed and an equal number of monitor wells will be required. Groundwater conditions would be altered in the short term, but necessary water supplies would be replaced in the long term. The affected environment is described, and the nature and impacts of alternative courses of action are also presented.

The public hearing will be held in the Coulee Dam City Hall, Coulee Dam, Washington, Tuesday, July 21, 1981, at 7:30 p.m. The hearing is provided to receive views and comments from interested organizations and individuals relating to the environmental impacts of the proposed action. Oral statements at the hearing will be limited to a 10-minute period for each individual. Speakers will be encouraged not to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comments after all persons desiring to comment have been heard. The speaking order at the hearing will be determined by the order in which the letter requests are received by the Bureau. Requests for scheduled presentation will be accepted up until 5:00 p.m., on July 17, 1981. Requests to make oral statements will also be accepted at the hearing, and persons making those requests will be permitted to speak for 10 minutes on a first-come-first-served basis after each person who submitted a letter request has been permitted to make an initial presentation.

Organizations or individuals desiring to present their statements at the hearing should write to the Regional Director, Attention: Code 150, Pacific Northwest Region, Bureau of Reclamation, Department of the Interior, Box 043, 550 West Fort Street, Boise, Idaho 83724, or telephone (208) 334-1208 and announce their intention to participate. Written comments for the hearing record from those unable to attend and those wishing to supplement

their oral presentation at the hearing should be received by July 28, 1981.

Dated: June 12, 1981.
Aldon D. Nielsen,
Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-18183 Filed 6-18-81; 8:45 am]
BILLING CODE 4310-09-M

Contract Negotiations With Almena Irrigation District No. 5; Intent To Begin Contract Amendment Negotiations for Deferment of the 1981 Construction Charge and its Subsequent Repayment

The Department of the Interior, through the Regional Director of the Lower Missouri Region, Bureau of Reclamation (Bureau), intends to begin negotiations with the Almena Irrigation District for deferment of the 1981 construction charge and its subsequent repayment. The district is located in northcentral Kansas with its headquarters located in Almena, Kansas.

The extremely low storage condition of Keith Sebelius Lake (Norton Reservoir) in 1979 and again in 1980, and the subsequent delivery of only 1,126 acre-feet of water during the 1980 irrigation season has imposed an undue burden upon the irrigators of the Almena Irrigation District. The Almena Irrigation District is, therefore, seeking a deferment of the \$15,570 annual construction charge due in 1981 and proposing to repay the deferment in equal annual payments of \$432.50 over the remaining 36 years of the existing contract. The deferment is being negotiated in compliance with the Act of September 21, 1959 (73 Stat. 584), Pub. L. 86-308.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the completed contract draft is declared to be available to the public. In the event little or no public interest is evidenced in the negotiations, as gauged by response to this notice or local publicity, the availability of the proposed contract for public review and comment will not be publicized further through the Federal Register or other media.

Written comments and requests for information should be directed to Mr. Robert D. Kutz, project Manager, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, telephone (308) 382-3660. All written correspondence made available in response to public request will be governed by the Freedom of Information Act, as amended.

Dated: June 12, 1981.

Aldon D. Nielsen,
Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-18315 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-09-M

Contract Negotiations With Kirwin Irrigation District No. 1; Intent To Begin Contract Amendment Negotiations for Deferment of the 1981 Construction Charge and Its Subsequent Repayment

The Department of the Interior, through the Regional Director of the Lower Missouri Region, Bureau of Reclamation (Bureau), intends to begin negotiations with the Kirwin Irrigation District (district) for deferment of the 1981 construction charge and its subsequent repayment. The district is located in northcentral Kansas with its headquarters in Gaylord, Kansas.

The low inflow and storage condition of Kirwin Reservoir for 1978, 1979, and again in 1980, and the subsequent delivery of only 7,234 acre-feet of water during the 1980 irrigation season, has imposed undue burden upon the irrigators of the district. The district is, therefore, seeking a deferment of its \$29,758 annual construction charge due in 1981 and proposing to repay the deferment in equal annual payments of about \$1,594 over the remaining 23 years of the existing contract. The deferment is being negotiated in compliance with the Act of September 21, 1959 (73 Stat. 584), Pub. L. 86-308.

All meetings scheduled by the Bureau with the district for the purpose of discussing terms and conditions of the proposed contract shall be open to the general public as observers. Advance notice of the meetings shall be furnished to those parties having previously furnished a written request for such notice at least 1 week prior to the meeting.

The public is invited to submit written comments on the form of the proposed contract not later than 30 days after the complete draft contract is declared to be available to the public. In the event little or no public interest is evidenced in the negotiations, as gauged by the response to this and other public notification of

the availability of the proposed contract for public review and comment, further notice will not be publicized through the Federal Register or other media.

Written comments and requests for information should be directed to Mr. Robert D. Kutz, Project Manager, Bureau of Reclamation, P.O. Box 1607, Grand Island, Nebraska 68801, telephone (308) 382-3660. All written correspondence made available in response to public requests will be governed by the Freedom of Information Act, as amended.

Dated: June 12, 1981.

Aldon D. Nielsen,
Acting Assistant Commissioner, Bureau of Reclamation.

[FR Doc. 81-18316 Filed 6-18-81; 8:45 am]

BILLING CODE 4310-09-M

INTERSTATE COMMERCE COMMISSION

Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: June 16, 1981.

The following Notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intended to perform nonmember, non-exempt, interstate transportation must file the Notice, form BOP-102, with the Commission within 30 days of its annual meeting each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to whom inquiries and correspondence should be addressed, are published here for interested persons. Submission of information that could have bearing upon the propriety of a filing should be directed to the Commission's Office of Consumer Protection, Washington, D.C. 20423. The Notices are filed in Ex Parte No. MC-75 (Sub No. 1) and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Clover Growers, Inc.
Principal Mailing Address (Street No., City, State, and Zip Code): Rt. 2, Box 614, Clover, SC 29710.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Rt. 2, Box 614, Clover, SC 29710.

Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): C. Barrett Stone, Rt. 2, Box 614, Clover, SC 29710.
Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Fur Breeders Agricultural Cooperative.

Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 295, Midvale, UT 84047.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): P.O. Box 295, 8400 South 600 West, Midvale, UT 84047.

Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): Irene Warr, Suite 280, 311 South State St., Salt Lake City, UT 84111.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Gold Kist Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 2210, Atlanta, GA 30301.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 500 West Washington St., Thomasville, GA 31792.

Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): Thomas L. Melton, P.O. Box 2210, Atlanta, GA 30301.

Complete Legal Name of Cooperative Association or Federation of Cooperative Associations: Neillville Co-Op Transport.
Principal Mailing Address (Street No., City, State, and Zip Code): Box 30, Neillville, WI 54458.

Where Are Records of Your Motor Transportation Maintained (Street No., City, State and Zip Code): P.O. Box 30, Neillville, WI 54458.

Person To Whom Inquiries and Correspondence Should Be Addressed (Name and Mailing Address): L. H. Fankhauser, Box 30, Neillville, WI 54458.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-18290 Filed 6-18-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercompany Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercompany hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: Carlile and Howell, Inc., 2615 East End Blvd., S., P.O. Box 1689, Marshall, Texas 75670.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Marshall Exploration, Inc., a Texas corporation

- (ii) Martex Drilling Company, a Texas corporation
- (iii) H & C Well Service, Inc., a Texas corporation
- (iv) Carlile and Howell Properties, Inc., a Texas corporation

1. Parent corporation and address of principal office: Creative Foam Corporation, P.O. Box 228, 511 Beach Street, Fenton, Michigan 48430.

2. Wholly-owned subsidiaries which will participate in the operations, and State(s) of incorporation:

- (i) Upward Manufacturing, 1560 East Grand Boulevard, Detroit, Michigan 48211

(ii) C.F.C. Pattern & Plastics, Inc., 3125 Thompson Road, Fenton, Michigan 48430

1. Parent organization and address of principal office: Thomas and Katherine Friday, husband and wife, c/o Spruce River Lumber Company, Inc., P.O. Box 2673, Thunder Bay, Ontario P7B 5G2 Canada.

2. Wholly-owned subsidiaries which will participate in the operations, and States of incorporation:

(i) Spruce River Lumber Company, Inc., a corporation organized under the laws of the Province of Ontario, Canada

(ii) Spruce River Transport, Inc., a corporation organized under the laws of the Province of Ontario, Canada

1. Parent corporation and address of principal office: Gulf & Western Industries, Inc., 1 Gulf & Western Plaza, New York, New York 10023.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

- (a) Simmons U.S.A. Corporation, 6 Executive Park Drive, Atlanta, Georgia 30329
- (b) Simmons Manufacturing Co., 6 Executive Park Drive, Atlanta, Georgia 30329
- (c) Simmons Universal Corporation, 15 Columbus Circle, New York, New York 10023
- (d) Gulf & Western Casket Corporation, 372 Washington Street, Wellesley Hills, Mass. 02181
- (e) Greeff Fabrics, Inc., 150 Midland Avenue, Port Chester, New York 10573
- (f) Artisan House, Inc., 1755 Glendale Blvd., Los Angeles, California 90026
- (g) Bloomcraft, Inc., 295 Fifth Avenue, New York, New York 10016
- (h) Katzenbach & Warren, Inc., 950 Third Avenue, New York, New York 10022
- (i) Raymor/Moreddi, Inc., 734 Grand Avenue, Ridgefield, New Jersey 07657
- (j) Albert Van Luit & Co., 4000 Chevy Chase Drive, Los Angeles, California 90039

(k) Birmingham Ornamental Iron Co., Inc., Highway 79 North, Pinson Valley Parkway, Birmingham, Ala. 35201

(l) Debu/Flair, Inc., 20100 South Alameda, Compton, Cal. 90220

(m) Ronkonkoma Wallpaper Corp., 934 Easton Street, Ronkonkoma, New York 11779

(n) Old Stone Mill Corp., 1 Grove Street, Adams, Mass. 01220

(o) Gulf & Western Healthcare, Inc., 927 Lake Road, Medina, Ohio 44526

(p) Selig Manufacturing Co., 54 Green Street, Leominster, Mass. 01453

(q) Simmons Juvenile Products, Co., Inc., 613 East Beacon Avenue, New London, Wisc. 54961

(r) Thonet Industries, Inc., 491 Princess Street, York, Penn. 17405

(s) Kayser-Roth Hosiery, Inc., 2303 W. Meadowview Road, Greensboro, North Carolina

(i) No Nonsense Fashions Division

(ii) Interwoven Division

(iii) Kayser-Roth Socks Division

(iv) KR Branded Products Division

(v) McLaurin Corp. Division

(t) Rolane Corporation, 1006 Howard Street, Greensboro, North Carolina

(u) Colonial Corporation, 507 Adams, Woodbury, Tennessee

(v) A.J. Schneierson & Son, Inc., 261 Madison Avenue, New York, New York

1. Parent corporation and address of principal office: Tumac Lumber Co., Inc., 806 S.W. Broadway, Portland, Oregon 97205.

2. Wholly-owned subsidiaries which will participate in the operations, and addresses of their respective principal offices:

(a) Tumac Export Sales Co., 806 S.W. Broadway, Portland, Oregon 97205

(b) Al Disdero Lumber Co., P.O. Box 42247, 1504 S.E. Woodward Street, Portland, Oregon 97242

(c) Disdero Structural, Inc., P.O. Box 42549, 2020 S.E. Bush St., Portland, Oregon 97242

(d) K/D Cedar Supply Co., Inc., 22008 Meekland Avenue, Hayward, California 94541.

The State of Oregon,
County of Multnomah, ss:

James H. Bayne,
Acting Secretary.

[FR Doc. 81-18292 Filed 6-18-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

MC-FC-77706. By decision of May 15, 1981, Review Board Number 3 reopened this proceeding and approved the transfer of Certificate No. MC-119557 (Sub-No. 8) from Howard Kaylor and Kenneth L. Stuart, a partnership, d.b.a. K&S Tankline, of Copperhill, TN, to Kenneth L. Stuart, d.b.a. K&S Tankline (same address). Rights transferred: Sulfur dioxide, in bulk, in tank vehicles, from Copperhill, TN, to points in Oklahoma and Wisconsin. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301.

MC-FC-79038. By decision of May 26, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Frontier Express, Incorporated of Certificate No. MC-121428 (Sub-No. 2) issued June 25, 1970

to Enid Freight Lines, Inc., authorizing the regular route transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission and commodities injurious or contaminating to other lading) between Enid, OK and Alur, OK. Applicant's representative is: Timothy Armstrong, Esq., 200 N. Choctaw, P.O. Box 1124, El Reno, OK 73036.

MC-FC-79132. By decision of June 3, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Big K of Utah, Inc. of Kanosh, UT a portion of Certificate No. MC-148087 (Sub-No. 1F) issued to Big K Corporation, d.b.a. Diamond Transport of Kanosh, UT, insofar as it authorizes the transportation of transporting drilling fluids used in the development and production of petroleum products, geo-thermal energy and minerals, between points in Utah, on the one hand, and, on the other points in Arizona, restricted against the transportation of petroleum and petroleum products. Applicant's representative: Miss Irene Warr, 430 Judge Bldg., Salt Lake City, UT 84111. TA lease is not sought. Transferee is not a carrier. Condition: Upon consummation of the transaction, transferor shall submit for cancellation, the portion of certificate No. MC-148087 (Sub-No. 1F), not transferred, thus avoiding an improper split with respect to traffic moving between Utah points, on the one hand, and Arizona points, on the other.

MC-FC-79137. By decision of June 3, 1981 issued under 49 U.S.C. § 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to North West Transport, Inc., of Fontana, CA, of Permit Nos. MC-143058 and MC-143058 (Sub-Nos. 1, 2, 4, 7, and 8), issued to Trans West Carriers, Inc., of Fontana, CA, authorizing the transportation of (1) *plumbing supplies*, from the facilities used by Norris Industries, Plumbing Fixture Division, located at or near city of Industry, CA, to points in California, Oregon, and Washington under continuing contracts with Norris Industries; (2) *expanded plastic articles*, from Wenatchee, WA, to points in CA, under continuing contracts with Dolco Packaging Corp.; (3)(a) *paper products*, from the plant site of Concel, Inc., at or near La Palma, CA, to points in Arizona, Nevada, Oregon, and Washington, and (b) *tissue paper*, from St. Helens, OR, to the plant site named above, under continuing contracts with Concel, Inc.; (4) *paper and paper products*, from the facilities of

Kimberly-Clark Corporation, at or near Fullerton, CA, to points in Arizona, California, Oregon, and Washington, under continuing contracts with Kimberly-Clark Corporation; (5) *paper and paper products*, (except commodities in bulk), from Oregon City, and Newberg, OR, to points in California, under continuing contracts with Publishers Paper Co., and Treasure Chest Advertising Company, Inc.; and (6) *such commodities* as are dealt in by manufacturers of toilet articles and cosmetics (except commodities in bulk), from Monrovia and Pasadena, CA, to points in Arizona, New Mexico, Texas, Utah, Nevada, California, Idaho, Oregon, and Washington, under continuing contracts with Avon and of Certificate No. MC-146771 (Sub-No. 1F), issued to Trans West Carriers, Inc., authorizing the retail, chain grocery and food business houses and agricultural feed business houses; soy products; paste flour products and dairy based products (except commodities in bulk), and *materials, equipment and supplies* used in the manufacture, distribution, and sale of the products above, (except commodities in bulk), between points in the United States in and west of MT, WY, CO, OK, and TX (restricted to the transportation of traffic moving to or from the facilities of Ralston Purina Company). Applicant's representative is: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633.

Notes.—Transferee is a non-carrier. Application for TA has been filed.

MC-FC-79161. By decision of June 3, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to ROBERT M. YEAGER AND JOHN O. MILLS d.b.a. BIG VALLEY EXPRESS of 2455 Walton, P.O. Box 1554, Central Valley, CA 96019, a portion of Certificate No. MC-98327 (Sub-Nos. 4 and 50) issued to SYSTEM 99 of 8201 Edgewater Drive, Oakland, CA 94621, authorizing *REGULAR ROUTES: General commodities*, except those of unusual value, household goods as defined by the Commission, classes A and B explosives, commodities in bulk, motor vehicles, livestock, and commodities requiring special equipment, between points in California serving all intermediate points, as follows: from Alturas over U.S. Highway 299 to Redding, and return over the same route. From Bartle over California Highway 89 to junction U.S. Highway 299, north of Burney, and return over the same route. Service is authorized at off-route points in the described portions of the following Counties: Modoc, except those (a) on U.S. Highway 395 north of

Davis Creek, and (b) those on unnumbered highway north of Lake City; Shasta, except those on and west of Interstate Highway 5. Applicant's representative: Allan N. Robison, 8201 Edgewater Drive, Oakland, CA 94621. TA lease is sought. Transferee is not a carrier.

MC-FC-79162. By decision of May 26, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to SPERA TRUCKING, INC. of Canton, OH of Certificate No. MC-148070 issued December 12, 1980 to A-1 AM, Inc. of Canton, OH, authorizing the transportation by irregular routes of *such commodities as are dealt in or used by manufacturers or distributors of cheese products* (except commodities in bulk), between Wapakoneta, OH, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Restricted to traffic originating at or destined to the facilities of the Fisher Cheese Company, at or near Wapakoneta, OH. Applicant's representative is: Boyd B. Ferris, Muldoon, Pemberton & Ferris 50 West Broad Street, Columbus, OH 43215.

MC-FC-79165. By decision of May 27, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Quinn Truck Lines, Inc., of Taft, FL, of Certificate No. MC-115322 and all subs thereunder issued June 8, 1965 and dated subsequent to Redwing Refrigerated, Inc., of Taft, FL, authorizing the transportation of generally foodstuffs between points in the US east of Rocky Mountains; general commodities between points Florida and Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Virginia, and Vermont subject to restrictions as to prior or subsequent mode of transportation and to moving on a freight forwarder bill of lading; and certain specified non-foodstuff authority between specified points in specified States east of the Mississippi River over irregular routes. Applicants' representative: James E. Wharton, Suite 811, Metcalf Building, 100 South Orange Avenue, Orlando, FL 32801, 305-425-2213.

MC-FC-79167. By decision of May 27, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 C.F.R. 1132, Review Board Number 3 approved the transfer to Earl E. King, doing business as King's Service, of Geddes, SD, of Certificate No. MC-95664 issued July 23, 1956 to Leonard Teply, of Geddes, SD, authorizing the transportation of (1)

livestock, between Geddes, SD, and points within 20 miles of Geddes, on the one hand, and, on the other, Sioux City, IA, and Butte, NE, (2) *used farm machinery*, between Geddes, SD, and points within 20 miles of Geddes, on the one hand, and, on the other, Sioux City, IA, and (3) *feed, farm machinery parts, seeds, lumber, shingles, roofing, structural steel* (not requiring special equipment), *prefabricated metal farm buildings* (knocked down), *cement, lime, stucco, concrete tile and blocks*, and *clay building materials*, from Sioux City, IA, to points within 15 miles of Geddes, SD, not including Geddes. Subject to the following conditions: If any. Applicants' representative: Harold R. Warner, Security State Bank, Geddes, SD 57342, 605-337-3333.

MC-FC-79174. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to Robert E. Ragon, of Greenup, IL, of Permit No. MC-141954 issued March 4, 1981, to Rayford N. Bohannon and Robert E. Ragon, of Greenup, IL (Mr. Bohannon withdraws from the partnership without payment) authorizing transportation of (1) *waste oil sludges*, in bulk, from points in AR, IN, IA, KY, MI, MO, TN, and WI to Calhoun, Crossville, Greenup, and Olney, IL; and (2) *reprocessed process oil*, in bulk, from Calhoun, Crossville, Greenup, and Olney, IL, to points in AR, IN, IA, KY, MI, MO, TN, and WI, under continuing contract(s) with A & F Materials Company, a Division of Cumberland Laboratories, Inc., of Hazel Dell, IL. Applicant's representative is: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701.

MC-FC-79177. By decision of May 27, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to James A. Thorne, Sr., and Herb E. Sherell, d.b.a. S/T Enterprises, of Memphis, TN of Certificate No. MC-140606 issued to James Jermigen, d.b.a. San-Mor Wrecker Service, of Memphis, TN authorizing *wrecked or disabled motor vehicles* or trailers (except house trailers designed to be drawn by passenger automobiles), and *replacement vehicles*, using wrecker equipment only, Between Memphis, Tenn., on the one hand, and, on the other, points in Alabama, Arkansas, Kentucky, Louisiana, Missouri, Mississippi, Oklahoma, and Texas. Applicant's representative: John G. McCleery, Jr., 5900 Poplar Ave., Suite 216, Memphis, TN 38119. TA lease is sought. Transferee is not a carrier.

MC-FC-79189. By decision of June 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to Sauder Industries Limited of Vancouver, B.C., Canada of Permit No. MC-144967 (Sub-No. 1) issued February 5, 1980 to Bill Bremer authorizing the transportation of *lumber products, wood products, and plastic moldings* from ports of entry on the international boundary line between the United States and Canada at or near Blaine, Lynden and Oroville, WA to points in OR and WA, under continuing contracts with several shippers. Applicants' representative: Jim Pitzer, 15 South Grady Way, Suite 321, Renton, WA 98055. Transferee presently holds no authority from the Commission.

MC-FC-79190. By decision of May 27, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to C&C Trucking, Inc. of Certificate No. MC-141441 (sub-No. 2) issued September 9, 1977 to Crocker Truck Lines, Inc. authorizing the transportation over irregular routes transporting *Trusses, beams, and girders* (metal, concrete, or combinations thereof), and *concrete slabs*. From points in Spokane County, Wash., to those points in Idaho north of the southern boundary of Idaho County, Morrow, Umatilla, Union, Wallows, and Baker Counties, Oreg., and those in Montana on and west of a line beginning at the United States-Canada Boundary line, near Simpson, Mont., and extending along Montana Highway 232 to Havre, Mont., thence along U.S. Highway 87 to Armington, Mont., and thence over U.S. Highway 89 to the Wyoming-Montana State line, with no transportation for compensation on return except as otherwise authorized. From Missoula and Great Falls, Mont., to those points in Idaho north of the northern boundary of Idaho County, Idaho, with no transportation for compensation on return except as otherwise authorized. Applicants' representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101.

James H. Bayne,
Acting Secretary.

[FR Doc. 81-18293 Filed 6-18-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the

Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Vol. No. OPY-3-097

Decided: June 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Fisher not participating.)

MC 14045 (Sub-2), filed June 5, 1981. Applicant: LOS ANGELES-YUMA FREIGHT LINES, INC., P.O. Box 4849, Kofa Station, Yuma, AZ 85364. Representative: Mel P. Booker, Jr., 110 S. Columbus St., P.O. Box 1281, Alexandria, VA 22313. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 142935 (Sub-23), filed June 4, 1981. Applicant: PLASTIC EXPRESS, a corporation, 2301 E. Francis St., Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol Fullerton, CA 92633, (714) 738-3889. Transporting, for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 143924 (Sub-6), filed June 8, 1981. Applicant: FUGATE TRUCKING, INC., P.O. Box 14, Danville, VA 24541. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., Suite 301, McLean, VA 22101, (703) 893-4924. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156354, filed June 5, 1981. Applicant: FICEL SALES, INC., P.O. Box 1984, Blasdell, NY 14219. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845-6066. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions),

between points in the U.S., (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S., and (3) as a *broker of general commodities* (except household goods), between points in the U.S.

MC 156384, filed June 8, 1981.

Applicant: JACK VOLLAND, P.O. Box 720, North Bend, WA 98045. Representative: Jack Volland (same address as applicant) (206) 888-2400. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 156385, filed June 8, 1981.

Applicant: TRI-COUNTY PETROLEUM CORPORATION, 508 South John St., Crawfordsville, IN 47933. Representative: Richard D. Smith (same address as applicant) (317) 362-1800. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (3) *Food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Vol. No. OPY-4-200

Decided: June 12, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams. (Williams not participating.)

MC 154857 (Sub-1), filed June 1, 1981. Applicant: ROGERS LEASING INCORPORATED, 2098 W. Broad St., Scotch Plains, NJ 07076. Representative: Charles J. Williams, P.O. Box 186, Scotch Plains, NJ 07076 (201) 322-5030. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 156217, filed May 29, 1981.

Applicant: ARCHIE DARWIN BETHEA, 3301 Lemontree Lane, Plano, TX 75074. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234 (214) 247-0994. As a broker of

general commodities (except household goods), between points in the U.S.

James H. Bayne,
Acting Secretary.

(FR Doc. 81-18286 Filed 6-18-81; 8:45 am)

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-35)]

Pittsburgh & Lake Erie Railroad Co. Exemption for Contract Tariff ICC- PLE-C-0002; Provisional Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). Its previously filed contract tariff will become effective on one day's notice. This exemption may be revoked if protest are filed within 15 days of publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Jane F. Mackall (202) 275-7656.

SUPPLEMENTARY INFORMATION: Pittsburgh and Lake Erie Railroad Company (P&LE) filed a petition of June 10, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC-PLE-C-0002 so that the effective date would be on one day's notice.

The contract provides for an allowance to be paid to Jones and Laughlin Steel Corporation (J&L) when J&L performs switching service at its connections with P&LE at its Youngstown and Struthers, OH, facilities. Such payment is to be made in lieu of switching service previously performed by P&LE. Petitioner states that an exemption from the provisions of 49 U.S.C. 10713(e) is required to allow a smooth transition in responsibility for switching operations at Youngstown. It was notified on May 29, 1981, that J&L will be prepared to assume the switching service on or about June 11, 1981, when installation of certain connecting tracks will be completed. Crew qualifications and other operational arrangements involved in the change were scheduled to be in place on or about June 10, 1981. P&LE points out that the standard 30-day notice period for contract rates would substantially delay the changeover.

which was requested by J&L and is of significant benefit to both parties.

Under 49 U.S.C. 10713(e), contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, we may address the same relief under our section 10505 exemption authority and we do so here.

The involved contract embodies a working arrangement requested by the shipper and only involves responsibility for switching. We believe it will enhance carrier service by encouraging efficient use of transportation facilities and should not impair the carrier's obligation to provide service to other shippers. P&L states that it does not expect protests. We thus conclude that authorization of a provisional exemption is warranted.

P&L has already indicated in its petition a willingness to be bound by the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it during the periods specified in 49 U.S.C. 10713.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in this instance is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. The contract tariff will become effective on one day's notice. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the Federal Register.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505.)

Dated: June 12, 1981.

By the Commission, Division 1,
Commissioners Clapp, Alexis, and Gilliam.
Commissioner Alexis was absent and did not participate.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-3209 Filed 6-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. Opy-3-096]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 12, 1981.

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be

issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2,
Members Carleton, Fisher, and Williams.
Member Fisher not participating.

James H. Bayne,
Acting Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 53965 (Sub-195), filed June 8, 1981.
Applicant: GRAVES TRUCK LINE, INC.,
P.O. Box 1387, Salina, KS 67401.
Representative: Bruce A. Bullock, One
Woodward Avenue, 26th Floor, Detroit,
MI 48226, (313) 965-2577. (A) Over
regular routes, transporting *general
commodities* (except classes A and B
explosives), (1) between Baton Rouge,
LA and junction Interstate Hwy 10 and
Interstate Hwy 12 near Alton, LA, over
Interstate Hwy 12, (2) between Baton
Rouge, LA and Jacksonville, FL, over
Interstate Hwy 10, (3) between junction
Interstate Hwy 10 and Interstate Hwy 59
and Chattanooga, TN over Interstate
Hwy 59, (4) between Tampa, FL and
Knoxville, TN over Interstate Hwy 75,
(5) between Mobile, AL and Nashville,
TN over Interstate Hwy 85, (6) between
Montgomery, AL and Durham, SC over
Interstate Hwy 85, (7) between junction
Interstate Hwy 95 and U.S. Hwy 70 near
Smithfield, NC and Miami, FL, over
Interstate Hwy 95, (8) between Tampa,
FL and Miami, FL, over U.S. Hwy 41, (9)
between Tampa, FL and Daytona Beach,
FL, over Interstate Hwy 4, (10) between
Jackson, MS and Macon, GA, over U.S.
Hwy 80, (11) between Brookhaven, MS
and Brunswick, GA, over U.S. Hwy 84,
(12) between Memphis, TN and
Birmingham, AL, over U.S. Hwy 78, (13)
between Birmingham, AL and Florence,
SC, over Interstate Hwy 20, (14)
between Durham, SC and New Bern,
NC, over U.S. Hwy 70, (15) between
Savannah, GA and New Bern, NC, over
U.S. Hwy 17, (16) between Memphis, TN
and Greensboro, NC, over Interstate
Hwy 40, (17) between Savannah, GA
and Macon, GA, over Interstate Hwy 16,
(18) between Waycross, GA and
Greenville, MS, over U.S. Hwy 82, (19)
between Charleston, SC and Ashville,

NC, over Interstate Hwy 26, (20) between Chattanooga, TN and Memphis, TN over U.S. Hwy 72, and (21) between Nashville, TN and Chattanooga, TN over Interstate Hwy 24; and (B) over irregular routes, between points in TN, NC, SC, MS, GA, AL, and FL.

MC 57434 (Sub-2), filed June 4, 1981. Applicant: TRANS-STAR TRUCKING CO., INC., 25 Industrial Rd., Walpole, MA 02081. Representative: Jack L. Schiller, 502 Flatbush Ave., Brooklyn, NY 11225, (212) 941-9291. Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, ME, NH, NJ, NY, RI and VT.

MC 83835 (Sub-173), filed June 8, 1981. Applicant: WALES TRANSPORTATION, INC., P.O. Box 226186, Dallas, TX 75266. Representative: J. Michael Alexander, First Continental Bank Bldg., Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339-4108. Transporting (1) *Mercer commodities*; (2) *earth drilling machinery*; (3) *those commodities which because of their size or weight require the use of special handling or equipment*; (4) *machinery*; (5) *metal products*; and (6) *transportation equipment*, between points in the U.S.

MC 107104 (Sub-15), filed June 4, 1981. Applicant: LODI TRUCK SERVICE, INC., P.O. Box 111, Lodi, CA 95240. Representative: Ronald C. Chauvel, 100 Pine St. No. 2550, San Francisco, CA 94111, (415) 986-1414. Transporting *general commodities* (except classes A and B explosives), between CA, AZ, NV, UT, and CO.

MC 108194 (Sub-16), filed June 5, 1981. Applicant: WILLIAM B. MEYER, INCORPORATED, P.O. Box 4206, Bridgeport, CT 06607. Representative: Michael A. Wargula, 2550 Main Place Tower, Buffalo, NY 14202, (716) 845-6066. Transporting *such commodities as are dealt in or used by insurance businesses*, between points in the U.S., under continuing contract(s) with Equitable Life Assurance Society of the United States, of Milford, CT.

MC 116005 (Sub-6), filed June 5, 1981. Applicant: ONONDAGA COACH CORP., 37 Aurelius Ave., Auburn, NY 13021. Representative: James H. Gilroy, Jr., 185 Genesee St., Utica, NY 13501, (315) 724-4166. Transporting *passengers and their baggage*, in round-trip special and charter operations, beginning and ending at Geneva, NY, and points in Onondaga, Cayuga, Seneca and Wayne Counties, NY, and extending to points in the U.S.

MC 120364 (Sub-37), filed June 5, 1981. Applicant: A & B FREIGHT LINE, INC., 4805 Sandy Hollow Rd., Rockford, IL 61109. Representative: Michael J. Wyngaard, 150 East Gilman St. Madison, WI 53703, (608) 256-7444. Transporting *water treatment equipment and materials*, between points in the U.S., under continuing contract(s) with Illinois Water Treatment Company, a division of Sunbeam Corporation, of Rockford, IL.

MC 134105 (Sub-103), filed June 4, 1981. Applicant: CELERYVALE TRANSPORT, INC., 3420 New Cummings Road, Chattanooga, TN 37419. Representative: James E. Elgin (same address as applicant), (615) 756-4066. Transporting *meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, between points in Bell County, KY, on the one hand, and, on the other, points in the U.S.

MC 135924 (Sub-27), filed June 8, 1981. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542-1121. Transporting *rubber and plastic products*, between points in Guilford County, NC, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, MO, NH, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV and WI.

MC 138184 (Sub-2), filed June 8, 1981. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A-71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602, (919) 828-2421. Transporting *medical and health care products*, between the facilities of Abbott Laboratories, at or near Laurinburg, NC, on the one hand, and, on the other, points in FL, GA, and SC.

MC 140464 (Sub-13), filed June 8, 1981. Applicant: D-X TRUCKING, INC., 5660 Southwyck Blvd., Ste. P, Toledo, OH 43614. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. Transporting *clay, concrete, glass or stone products*, between Chicago, IL, Detroit, MI, and points in Fresno and Los Angeles Counties, CA, Broward County, FL, Huntington County, IN, Worcester County, MA, Monroe and Calhoun Counties, MI, Wood and Wyandot Counties, OH, and Navarro County, TX, on the one hand, and, on the other, points in the U.S.

MC 141175 (Sub-7), filed June 5, 1981. Applicant: GARLEPIED TRANSFER, INC., 319 Butterworth St., Jefferson, LA 70181. Representative: G. H. Knapp, Jr.

(same address as applicant), (504) 733-2091. Transporting *hazardous waste*, between the facilities of Ciba-Geigy Corporation located at points in the U.S.
Note.—The certificate granted in this proceeding shall expire 5 years from the date of issuance.

MC 142364 (Sub-50), filed June 4, 1981. Applicant: KENNETH SAGELY TRUCKING COMPANY, P.O. Box 368, Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521-8121. Transporting *food and related products*, between points in Benton, Crawford, Sebastian, and Washington Counties, AR, Sunflower County, MS, and Adair County, OK, on the one hand, and, on the other, points in the U.S.

MC 142754 (Sub-2), filed June 4, 1981. Applicant: PIROLLO TRANSPORT CO., INC., 6312 Hooker St. Pittsburgh, PA 15206. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281-9494. Transporting (1) *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Ross Oil Corporation, of Miami, FL, Pennzoil Products Company, and Quaker State Refining Corporation, both of Oil City, PA, and Witco Chemical Corporation, of Bradford, PA, and (2) *food and related products*, between points in the U.S., under continuing contract(s) with Heinz USA, Division of H. J. Heinz Company, of Pittsburgh, PA.

MC 145994 (Sub-5), filed June 6, 1981. Applicant: PENGUIN POINT ENTERPRISES, INC., P.O. Box 975, Warsaw, IN 46580. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846-6655. Transporting (1) *metal products*, between points in Kosciusko County, IN, on the one hand, and, on the other, points in NC, AL, MS, TX, and OH, and (2) *building materials*, between points in Lauderdale and Smith Counties, MS, on the one hand, and, on the other, points in PA, FL, TX, GA, OH, MI, KS, and IL.

MC 151715, filed June 4, 1981. Applicant: ARROW TRANSPORTATION, INC., d.b.a. TEXAS WAREHOUSE AND MACHINERY MOVERS, 3201 Longhorn Blvd. Suite 117, Austin, TX 78759. Representative: J. T. Fields (same address as applicant) (512) 836-2561. Transporting *general commodities* (except classes A and B explosives), between points in Bastrop, Bell Blanco, Brazos, Burleson, Burnet, Caldwell, Colorado, Comal, Fayette, Gillespie, Gonzales, Grimes, Guadalupe, Hays, Kendall, Kerr, Lampasas, Lavaca, Lee,

Llano, Milam, Robertson, Travis, Washington, Williamson Counties, TX.

MC 151785 (Sub-2), filed June 4, 1981. Applicant: CONTRACT CARTAGE CORPORATION, 1104 Merridale Blvd. Mount Airy, MD 21771. Representative: Alvin K. Quittner (same address as applicant), (301) 829-1249. Transporting *machinery*, between points in the U.S., under continuing contract(s) with JCB, Inc., of White Marsh, MD.

MC 152104 (Sub-2), filed June 1, 1981. Applicant: HOME RUN, INC., 1299 Lavelle Drive, Xenia, OH 45385. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. (614) 464-4103. Transporting *general commodities* (except classes A and B explosives), between Peterborough, NH, Brea, CA, Corbin and Louisville, KY, Humboldt, Morristown and Knoxville, TN, Mt. Joy, PA, Kankakee, IL, Arlington, Houston and Dallas, TX, Thurmont and Columbia, MD, Viroqua and West Salem, WI, Greenville, Grand Rapids and Detroit, MI, Jacksonville, FL, Ft. Wayne, Muncie, Indianapolis and Whiteland, IN, Hernshaw, WV, and points in OH, on the one hand, and, on the other, points in the U.S.

MC 152135, filed June 3, 1981. Applicant: THE TRIDENT CORPORATION, d.b.a. TRIDENT TOURS, 3531 Halfmoon Circle, Falls Church, VA 22044. Representative: Robert J. Brooks, 1818 L Street NW., Suite 1115, Washington, DC 20036, (202) 466-3892. Transporting *passengers and their baggage*, in special and charter operations, between points in VA, MD, WV, PA, DE, and DC.

MC 155105, filed June 5, 1981. Applicant: DOUBLE EAGLE CARRIERS, INC., P.O. Box 128, Moxee City, WA 98936. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243-7911. Transporting *food and related products*, between Los Angeles, CA, and points in Umatilla and Morrow Counties, OR, and Walla Walla County, WA, on the one hand, and, on the other, points in the U.S.

MC 155105 (Sub-1), filed June 5, 1981. Applicant: DOUBLE EAGLE CARRIERS, INC., P.O. Box 128, Moxee City, WA 98936. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243-7911. Transporting *general commodities* (except classes A and B explosives), between the facilities of Terminal Freight Cooperative Association, located at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 156005, filed June 5, 1981. Applicant: GLORY BOUND EXPRESS, INC., Rt. 3, Box 87, Verndale, MN 56481. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting (1) *lumber and wood products*; and (2) *metal products*, between points in the U.S., under continuing contract(s) with Continental Custom Bridge Company, of Alexandria, MN.

MC 156334, filed June 4, 1981. Applicant: TRAVEL BITS, PAT HUNT, 3535 Summie Dr., Lilburn, GA 30247. Representative: Pat Hunt (same address as applicant), (404) 972-0391. As a *broker*, in arranging for the transportation, by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Gwinnett County, GA, and extending to points in NC, SC, VA, AL, TN, MS, MD, WV, PA, NY, VT, NH, CT, GA, and DC.

(FR Doc. 81-18286 Filed 6-18-81; 8:25 am)
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[Volume No. OP1-175]

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: June 11, 1981.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the *Federal Register*. Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected*. A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon,

including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, of other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier

applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act].

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication or the application shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

James H. Bayne,
Acting Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 144630 (Sub-48F), filed June 26, 1980, and previously noticed in Federal

Register issue of April 14, 1981.

Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Transporting *alcoholic beverages* (except commodities in bulk), from points in the U.S. to points in GA and FL.

Note.—This republication includes FL as a destination State.

[FR Doc. 81-16291 Filed 6-18-81; 8:45 am]

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[Volume No. 103]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: June 12, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

James H. Bayne,
Acting Secretary.

MC 2229 (Sub-274)X, filed May 15, 1981. Applicant: SPECTOR RED BALL, INC., 3177 Irving Boulevard, Dallas, TX 75247. Representative: Joseph S. Ruscetta (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 268 certificate to: (1) remove all

exceptions other than class A and B explosives from its general commodities authority (2) broaden the territorial description to allow service at all intermediate points in connection with its numerous regular routes, through CT, DE, GA, IL, IN, KY, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, TN, VA, and WV and (3) remove the restriction limiting service on all routes in KY, WV, TN, MD, DE, PA (with exceptions) and NY (with exceptions) for purpose of joinder only.

MC 83850 (Sub-17)X, filed May 18, 1981. Applicant: JOHNSON'S TRANSFER, INC., 6951 Norwitch Drive, Philadelphia, PA 19153. Representative: James W. Patterson, 1200 Western Saving Bank Bldg., Philadelphia, PA 19107. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8, 9, 10, and 15F certificates to (1) broaden commodity descriptions (a) from lumber, lath and shingles to "lumber and wood products" and from scrap metal and rags to "waste or scrap materials" in the regular route portion of the lead certificate; (b) from building materials and gypsum products to "building materials, clay concrete, glass or stone products and pulp, paper and related products" in the irregular portion of the lead Certificate, and in Sub-No. 7; (c) from gypsum and gypsum products and materials and supplies used in the manufacture, installation, and application of gypsum products to "clay, concrete, glass or stone products and pulp, paper and related products" in Sub-Nos. 8 and 9; (d) from building materials, gypsum and gypsum products, paint and paint products, mineral fiber and mineral fiber products, and adhesives to "building materials, clay, concrete, glass or stone products, pulp, paper and related products, and chemicals and related products" in Sub-No. 10; and (e) from plastic articles and polystyrene products, and materials, equipment and supplies used in the manufacture, installation or distribution of the above-named commodities to "rubber and plastic products" in Sub-No. 15F; (2) replace the facilities limitations or specific point authority with city or county-wide authority as follows: (a) Charlottesville, VA, with Albermarle County, VA and York, PA with York County, PA, in the lead certificate; (b) facilities at Baltimore, MD, with Baltimore, MD, in the lead and Sub-Nos. 7, 8, 9, and 10, (c) facilities at Norfolk, VA, with Norfolk, VA, in Sub-No. 9, (d) facilities at Oakfield and Stony Point, NY, with Genesee and Rockland Counties, NY and Woodbridge Township, NJ, with Middlesex County, NJ, in Sub-No. 10 and (e) facilities at

Talmadge, OH and Rockford, IL, with Summit County, OH and Winnebago County, IL, in Sub-No. 15F; (3) expand (a) one-way to two-way authority between Baltimore, MD, and, DC, in the regular route portion of the lead; (b) one-way to radial in the irregular route portions between (1) Baltimore, MD, and points in DC, and points in MD, PA, WV, and VA; York County, PA, and DC and points in MD and VA within 50 miles of DC; Petersburg and Albermarle County, VA, and DC, and points in MD within 50 miles of DC; points in VA within 75 miles of DC, and, DC and points in MD within 50 miles of DC; Baltimore, MD, and, points in DE, in the lead; (2) Baltimore, MD, and, points in NJ, in Sub-No. 7; (3) points in DE and NJ, and, Baltimore, MD, in Sub-No. 8; (4) Baltimore, MD, and, points in VA and WV (with exceptions); and Norfolk, VA, and, Baltimore, MD, in Sub-No. 9; and (5) Baltimore, MD, Genesee and Rockland Counties, NY, and Middlesex County, NJ, and, points in 16 named States in Sub-No. 10; (6) authorize service to all intermediate points in connection with the regular routes in its lead certificate; (7) remove in bulk, in tank or hopper vehicle restrictions in the lead certificate and in Sub-Nos. 7, 8, 9, and 10; (8) remove "sand, gravel, and slag" restriction in Sub-No. 8; and (9) remove "except fly ash and asphalt" restriction in the lead and Sub-No. 7.

MC 99656 (Sub-6)X, filed June 2, 1981. Applicant: IDINGS TRUCKING, INC., State Route 60, P.O. Box 388, Lowell, OH 45744. Representative: Michael Spurlock, 275 E. State St., Columbus, OH 43215. Applicant seeks to remove restrictions in its Sub-Nos. 2, 3F, and 4F certificates to (1) broaden the commodity description from commodities in bulk, in dump vehicles (except cement and salt), coke, in bulk, and ferroalloys, in bulk, in dump vehicles to "commodities in bulk," in Sub-Nos. 2, 3F and 4F; (2) remove the facilities limitation at Washington County, OH in Sub-Nos. 3F and 4F; and (3) replace one-way with radial authority between Gary, IN, and, Washington County, OH in Sub-No. 3F and between Washington County, OH, and, IN, IL, KY, MD, MI, MO, NY, PA and WV in Sub-No. 4F.

MC 110012 (Sub-91)X, filed June 3, 1981. Applicant: ROY WIDENER MOTOR LINES, INC., 707 North Liberty Road, Morristown, TN 37814. Representative: Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street NW., Washington, DC 20004. Applicant seeks to remove restrictions in its Sub-No. 75 certificate to broaden the commodity description from general commodities with exceptions, to general commodities

(except Classes A and B explosives); and to broaden the territorial scope by replacing one-way with radial authority to between points in KY, TN, VA, NC, SC, GA, AL and MS and points in the U.S.

MC 118292 (Sub-44)X, filed June 5, 1981. Applicant: BALLENTINE PRODUCE, INC., P.O. Box 454, Alma, AR 72921. Representative: Barry Roberts, 888 17th Street NW., Washington, DC 20006. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 5, 7, 9, 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 28, 30, 31, 34, 35, 37, 38, 40 and 41 certificates to (1) broaden the commodity descriptions from (a) frozen vegetables and frozen berries, in the lead, frozen vegetables and vegetable products, cooked and uncooked, in Sub-No. 2, canned goods in mixed loads with frozen foods and agricultural commodities, in Sub-No. 5, frozen foods in Sub-No. 7, baby foods and baby supplies, in Sub-No. 9, canned goods and preserves, canned goods, canned vegetables and canned vegetable products and cans, in Sub-No. 11, frozen foods and canned goods, in Sub-No. 13, baby foods and baby supplies in Sub-No. 14, frozen poultry products and poultry in Sub-No. 15, frozen poultry products and poultry in Sub-No. 17, baby foods and baby supplies in Sub-No. 18, poultry and poultry products in Sub-No. 19, baby foods and baby supplies in Sub-No. 20, poultry and frozen poultry products in Sub-No. 21, frozen foods in Sub-No. 22, cooked and prepared poultry and poultry products and fresh and frozen poultry and poultry products in Sub-No. 23, foodstuffs in Sub-No. 26, foodstuffs, not frozen, in containers, in Sub-No. 28, non-frozen foodstuffs in the Sub-No. 30, canned goods in Sub-No. 31, canned foods and canned dog food in Sub-No. 34, prepared foodstuffs, in containers, in the Sub-No. 35, frozen foods, in Sub-No. 37, frozen foods in Sub-No. 38, frozen foods in Sub-No. 40 to "food and related products"; and (b) folding cartons in Sub-No. 41 to "pulp, paper and related products"; (2) change one-way to radial authorities between a combination of points throughout the U.S. in the above certificates; (3) eliminate plantsite restrictions in Sub-Nos. 11, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 28, 30, 34, and 35; (4) eliminate the restriction to the transportation of shipments originating at or destined to Little Rock, AR in Sub-No. 38; (5) remove the "commodities in bulk" restrictions in Sub-Nos. 11, 26 and 30, and the "except AK and HI" restrictions in Sub-Nos. 11, 26, 30 and 41; and (6) replace city-wide with county-wide authority as follows: Ft. Smith, AR

with Sebastian County, in the lead and Sub-Nos. 2, 7, 9, 14, 15, 17, 18, 20, 23, 35, and 41; Monroe and Shreveport, LA with Ouachita and Caddo Counties, Kansas City, KS with Wyandotte County, Detroit, MI with Wayne County, Omaha, NE with Douglas County, Hattiesburg, MS with Forrest County, Memphis, TN with Shelby County, Tampa and Jacksonville, FL with Hillsborough and Duval Counties, and Mobile, Birmingham and Montgomery, AL with Mobile, Jefferson and Montgomery Counties, in the lead and Sub-No. 2; Kansas City, MO with Clay and Jackson Counties, Houston, TX with Harris and Ft. Bend Counties, and Dallas, TX with Dallas County, in the lead and Sub-Nos. 2 and 11; Little Rock, AR with Pulaski County, in the lead and Sub-Nos. 2, 7, 37 and 38; Alma and Van Buren, AR with Crawford County, in Sub-Nos. 11 and 34; San Jose and Thornton, CA with Santa Clara and San-Joaquin Counties, Denver, CO with Denver County, Atlanta, GA with De Kalb and Fulton Counties, Hoopeston, Maywood, Belleville, Kansas, and Peoria, IL with Vermilion, Cook, St. Clair, Edgar, and Peoria Counties, Elgin, IA with Fayette County, Lowell, MI with Kent County, Athens, Ft. Worth, Pasadena, Freeport, Mineola, Grand Saline, McAllen, and San Antonio, TX with Henderson, Tarrant, Johnson, Harris, Brazoria, Wood, Van Zandt, Hidalgo and Bexar Counties, Storm Lake, IA with Buena Vista County, Chicago and Streator, IL with Cook, Livingstone and La Salle Counties, Hollister and Antioch, CA with San Benito, and Contra Costa Counties, Mt. Vernon, MO with Lawrence County, Sanford and Immokalee, FL with Seminole and Collier Counties, Fosston and Mankato with Polk and Blue Earth Counties, and Milwaukee, WI with Milwaukee County, in Sub-No. 11; St. James and Madelia, MN with Watonwan County, in Sub-Nos. 13 and 26; Alton, Cairo, Carbondale, East St. Louis, Eldorado, Granite City, Marion, Mt. Vernon, Murphysboro, Staunton, Litchfield, Quincy and Scott Air Force Base, IL with Madison, Alexander, Jackson, St. Clair, Saline, Williamson, Jefferson, Macoupin, Montgomery, and Adams Counties, in Sub-Nos. 14 and 35; Centralia, IL with Marion and Clinton Counties; Heavener, OK with Le Flore County, in Sub-Nos. 19 and 23; Clarksville and Bloomer, AR with Johnson and Sebastian Counties, and Muskogee, OK with Muskogee County, in Sub-No. 21; Russellville, AR with Pope County, in Sub-No. 22; Butterfield, MN with Watonwan County and Estherville, IA with Emmet County, in

Sub-No. 26; Fullerton, Hayward, Davies, and Oakdale, CA with Orange, Alameda, Yolo, and Stanislaus Counties, in Sub-No. 28; Ortonville and Arlington, MN with Lac qui Parle, Big Stone, and Sibley Counties in Sub-No. 30; Proctor and Kansas, OK with Cherokee and Delaware Counties in Sub-No. 34; and Minneapolis, MN with Hennepin County, in Sub-No. 40.

MC 123074 (Sub-20)X, filed May 29, 1981. Applicant: M. L. ASBURY, INC., 141 South Main St., Romeo, MI 48065. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48064. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 10, 13F, 14F, 16F, and 18 certificates to (1) broaden its commodity description from asphalt and asphaltic products, bituminous products, gasoline, kerosene, petroleum fuel oils, liquid petroleum, asphalt, sulphuric sludge acids, lubricating oil, heavy fuel oil, bunker oil, and petroleum and petroleum products, in bulk, in tank vehicles, in its lead and Sub-Nos. 7, 10, 13, 14, 16, and 18 to "commodities in bulk"; (2) replace facilities limitations and cities with county-wide authority by substituting Licking County, OH, for Heath, OH; Venango County, PA for Emlenton, PA; McKean County, PA for Farmers Valley, PA; and Bay County, MI for Bay City, MI in the lead; (3) remove the restriction excluding service at Grand Rapids, MI, in lead; replace city-wide (Detroit, MI) authority for facility limitation at or near Detroit, MI in Sub-Nos. 13F and 14F; (4) replace one way with radial authority in the lead and all Sub-Nos.; (5) replace specific ports of entry in MI in Sub-No. 7 and in Sub-No. 10, with all ports of entry in MI; (6) remove the restriction limiting transportation to traffic originating at named facilities in Sub-No. 7; and (7) remove the restriction limiting transportation to traffic having a prior movement in foreign commerce in Sub-No. 10.

MC 125375 (Sub-23)X, filed June 8, 1981. Applicant: F.B.G. TRANSPORT, INC., Route 5, Box 298, Covington, GA 30209. Representative: Ralph B. Matthews, Ste. 1200, Atlanta Gaslight Tower, 235 Peachtree St. NE., Atlanta, GA 30303. Applicant seeks to remove restriction in its Sub-Nos. 16 and 21F permits to (1) broaden the commodity descriptions to "food and related products" from dairy products, materials, equipment, and supplies used in the distribution of dairy products, in Sub-No. 16 and frozen citrus concentrates, fruit sections, and chilled salads, in Sub-No. 21F; and (2) broaden the territorial description to between

points in the U.S., under continuing contract(s) with named shippers.

MC 133405 (Sub-17)X, filed May 29, 1981. Applicant: BOWIE HALL TRUCKING, INC., P.O. Box 1470, LaPlata, MD 20646. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Applicant seeks to remove restrictions in its Sub-Nos. 1, 3, 5F, 7F, 10F, 12F and 13F certificates to (1) broaden the commodity descriptions in (a) Sub-No. 1, from lumber, tunnel lagging, equipment mats and wood piling to "lumber and wood products and metal products"; (b) Sub-Nos. 3, 5F, 7F, 10F, 12F and 13F, from malt beverages to "food and related products"; (c) Sub-Nos. 7F and 12F, from containers, dunnage and pallets and materials and supplies used or useful in the manufacture of malt beverages to "pulp, paper and related products, lumber and wood products, rubber and plastic products, and metal products and materials and supplies used or useful in the manufacture of malt beverages"; (2) remove the "except commodities in bulk" restriction in Sub-No. 12F; (3) authorize county-wide authority to replace existing point service in (a) Sub-No. 3, from Waldorf, MD to Charles County, MD, (b) Sub-No. 5F, from Eden, NC to Rockingham County, NC, (c) Sub-No. 13F, from Trenton, NJ to Mercer County, NJ, and (d) Sub-No. 10F, from Merrimack, NH to Hillsboro County, NH; and (4) authorize radial authority to replace existing one-way service between points in various combinations of eastern States.

MC 136181 (Sub-3)X, filed June 1, 1981. Applicant: MARINE TRANSPORT, INC., 7737 Hampton Boulevard, Norfolk, VA 23505. Representative: Jeffrey A. Vogelman, Suite 400, Overlook Building, 6121 Lincoln Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its Sub-No. 2F certificate by removing the restriction limiting service to traffic having a prior or subsequent movement by water, on its radial general commodity authority between Norfolk, VA, and named points in several States.

MC 144964 (Sub-11)X, filed June 2, 1981. Applicant: ESSEX EXPRESS, INCORPORATED, 1200 Hammondville Road, Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M Street NW., Washington, DC 20037. Applicant seeks to remove restrictions in its MC-144442 (Sub-Nos. 2F, 11F and 12) permits and MC-144442 (Sub-No. 9F) certificate to: (1) broaden the commodity descriptions: in Sub-No. 12 from frozen citrus concentrate; in Sub-No. 11 from frozen berries; in Sub-No. 2F from wafers, cookies, breadsticks and

biscuits, in cartons, and in Sub-No. 9F from alcoholic beverages to "food and related products"; (2) broaden the territorial scope in its Sub-Nos. 2F, 11F and 12 permits to between points in the U.S., under continuing contract(s) with named shippers; and in Sub-No. 9F, replace city-wide with county-wide authority: Brooklyn with Kings County, NY; Miami, Jacksonville, Tampa and Orlando with Dade, Duval, Hillsborough and Orange Counties, FL; and authorize radial authority in Sub-No. 9F.

MC 145018 (Sub-27)X, filed June 3, 1981. Applicant: NORTHEAST DELIVERY, INC., P.O. Box 127, Taylor, PA 18517. Representative: Daniel W. Krane, Box 626, 2207 Old Gettysburg Rd., Camp Hill, PA 17011. Applicant seeks to remove restrictions in its Sub-Nos. 1, 4F, 7F, 15F, 16F, 17F, and 18F certificates to (1) broaden its commodity descriptions: in Sub-No. 1 to "food and related products", from foodstuffs (except in bulk); in Sub-Nos. 4F and 7F, to "such commodities as are dealt in or used by food processing houses", from such commodities as are dealt in or used by food processing houses (except commodities in bulk); in Sub-No. 17F, to "food and related products, and rubber and plastic products", from milk preparations, soybean milk compounds, and plastic articles (in bulk); in Sub-Nos. 17F, and 18F to "general commodities (except classes A and B explosives)", from general commodities (with exceptions); (2) replace cities and facilities with county-wide authority: in Sub-Nos. 1, and 7F, North East, PA, and Westfield, NY with Erie County, PA and Chautauqua County, NY; in Sub-No. 4F, facilities at North East, PA and Westfield, NY with Erie County, PA and Chautauqua County, NY; in Sub-No. 15F, facilities at or near Altavista, VA with Campbell County, VA; in Sub-No. 16F, North East and Erie, PA, and Westfield, NY with Erie County, PA, and Chautauqua County, NY; and in Sub-No. 17F, Binghamton, Johnson City, and Vestal, NY, Linden, NJ, and Calvert City, KY with Broome County, NY, Union County, NJ, and Marshall County, KY, change one-way to radial authority between the above named counties, and specified points in the U.S., in Sub-Nos. 1, 4F, and 15F.

MC 146213 (Sub-11)X, filed May 15, 1981. Applicant: JAMES P. DOYLE, d.b.a. J. DOYLE TRUCKING, Wisconsin Dells, WI 53965. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. Applicant seeks to remove restrictions from its Sub 3F, 4F, 5F, 7F, 9F, and 10F certificates to (1) broaden the commodity description from

foodstuffs to "food and related products" in Sub-Nos. 3F and 10F; to "rubber and plastic products, chemicals and related products and clay, concrete, glass or stone products," from plastic articles, vinyl rolls, and fiberglass in Sub-No. 4F; to "pulp, paper, and related products, chemicals and related products, rubber and plastic products, and machinery," from paper, paper products, cleaning compounds, and plastic containers and dispensers for compounds in Sub-Nos. 5F & 7F; to "chemicals and related products" from vinyl products and materials, equipment and supplies used in the manufacture and distribution of vinyl products in Sub 9F; (2) change city to county-wide authority in Sub-No. 4F from Stratford, CT, Burlington and Butler, NJ, Deer Park, NY and Jeanette, PA to Fairfield County, CT, Burlington and Morris Counties, NJ, Suffolk County, NY, and Westmoreland County, PA; (3) remove facilities limitations in (a) Sub-No. 3F and replace Cameron, Eau Claire, Menomonie, Vesper and Wisconsin Rapids, WI, with Barron, Chippewa, Eau Claire, Dunn and Wood Counties, WI, (b) in Sub-No. 4F and replace Burlington, WI, with Racine County, WI, (c) in Sub-Nos. 5F and 7F and replace Green Bay, WI, with Brown County, WI, (d) in Sub-No. 10, (4) to delete restrictions against the transportation of commodities in bulk in Sub 3F, 4F, 5F, 7F, and Sub 10F; (5) delete "originating at and destined to" restriction in Sub 4F, (6) change one-way to radial authority between (a) 5 WI counties, and, 13 States in Sub-No. 3F, (b) Fairfield County CT, Burlington and Morris Counties, NJ, Suffolk County, NY, Cleveland and Toledo OH, and Westmoreland County, PA and, Racine County, WI in Sub-No. 4F; (c) Brown County, WI, and 11 States in Sub-No. 5F and (d) Brown County, WI and OK and TX in Sub-No. 7F.

MC 146329 (Sub-12)X, filed June 8, 1981. Applicant: W-H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 5F, 8F, and 9F certificates to (1) broaden the commodity descriptions to (a) "machinery and materials, equipment and supplies used in the manufacture, and distribution of machinery" from animal and poultry feeding equipment and materials equipment and supplies, in Sub-No. 5F, and (b) "buildings and building materials" from buildings, knocked down, or in sections, and building parts, wood products and composition wood products, and parts

and accessories, in Sub-No. 8F; (2) remove the "except commodities in bulk" restriction, in Sub-Nos. 1F and 3F; and "except AK and HI" restriction, in Sub-Nos. 5F and 9F; (3) eliminate the restriction against the transportation of iron and steel from points in OH and PA to the facilities of Klein Manufacturing Corp. at Burlington, IA, in Sub-No. 5F; (4) remove the plantsite limitations, in Sub-Nos. 1F and 5F; (5) replace city-wide with county-wide authority as follows: Racine and Burlington with Racine and Des Moines Counties, IA, in Sub-Nos. 1F and 3F; Burlington with Des Moines County, IA, in Sub-No. 5F; Fond du Lac with Fond du Lac County, WI, in Sub-No. 8F; and, Rothschild with Marathon County, WI, in Sub-No. 9F; and (6) change its one-way to radial authority between points in the U.S., in Sub-Nos. 1F, 3F, and 8F.

MC 151352 (Sub-11)X, filed June 3, 1981. Applicant: E.L.M. TRUCKING, INC., P.O. Box 4048, Opelika, AL 36801. Representative: Terry P. Wilson, 428 So. Lawrence Street, Montgomery, AL 36104. Applicant seeks to remove restrictions in its Sub-Nos. 4, 5 and 6 certificates to (1) broaden the commodity description from (a) charcoal, gas grills, and accessories for gas grills to "lumber and wood products, chemicals and related products, coal and coal products, waste or scrap materials not identified by industry producing, and machinery" in Sub-No. 4; (b) beverages to "food and related products" in Sub-No. 5; and (c) paper and paper products to "pulp, paper and related products" in Sub-No. 6; (2) eliminate the facilities limitations in Sub-Nos. 4 and 6; (3) replace city with county-wide authority from (a) Columbus to Muscogee County, GA, in Sub-Nos. 4 and 5; (b) Albany, Augusta, and Brunswick to Dougherty, Richmond and Glynn Counties, GA, Dothan to Houston County, AL, and Chattanooga to Hamilton County, TN, in Sub-No. 5; and (c) Cottonston to Russell County, AL, in Sub-No. 6; and (4) expand one-way to radial authority between (a) Muscogee County, GA, and, points in the U.S. in Sub-No. 4; and (b) Russell County, AL, and, points in the U.S. in Sub-No. 6.

[FR Doc. 81-18207 Filed 6-18-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP3-238]

Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that

previously noticed in the **Federal Register**.

An original and one copy of opposing verified statements must be filed with the Commission within 45 days after the date of this **Federal Register** notice. Applicant may file a verified statement in rebuttal within 60 days. Such pleadings shall comply with 49 CFR 1100.247 (renumbered 1100.251) addressing specifically the issue(s) indicated as the purpose for republication. Special Rule 247 (renumbered 251) was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

MC 121424 (Sub-5) (republication) filed December 8, 1980, published in the **Federal Register** issues of January 6, 1981, February 25, 1981 and republished this issue. Applicant: DAL-HAR DISTRIBUTING COMPANY, INC., 400 West Main St., Dallas, TX 75208. Representative: Clayte Binion, 1108 Continental Life Bldg., Fort Worth, TX 76102. A Decision of the Commission, Review Board Number 1, decided May 5, 1981, and served May 20, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *machinery, construction equipment, and construction materials*, between points in AR, KS, LA, MO, NM, OK, and TX, and (2) *scrap metal and metal products*, between points in TX, on the one hand, and, on the other, points in AR, KS, LA, MO, NM, OK, and TX. **CONDITION:** Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of applicant's Certificate of Registration No. MC 121424 Sub 3 and its Certificate of Public Convenience and Necessity No. MC 121424 Sub 4; that applicant is fit, willing, and able properly to perform such service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 134105 (Sub-91) (republication) filed January 6, 1981, published in the **Federal Register** issue of February 5, 1981 and republished this issue. Applicant: CELERYVALE TRANSPORT, INC., 1706 Rossville Ave., Chattanooga, TN 37408. Representative: James E. Elgin (same address as applicant). A Decision of the Commission, Review Board Number 3, decided May 7, 1981, and served June 3, 1981, finds that the performance by applicant of the service will serve a useful public purpose.

responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such merchandise* as is dealt in or use by food business houses, between Cleveland, OH, and points in Cherokee County, SC, on the one hand, and, on the other, points in DE, AL, CT, FL, GA, KY, LA, MA, MD, ME, MS, NC, NH, NJ, OH, PA, RI, SC, TN, VA, VT, WV, and the District of Columbia; that applicant is fit, willing and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

MC 148035 (Sub-8) (republication) filed January 27, 1981, published in the Federal Register issue of February 25, 1981, and republished this issue. Applicant: QUANDT TRANSPORT SERVICE, INC., 2606 North 11st St., Omaha, NE 68110. Representative Arlyn L. Westergren, 9202 West Dodge Rd., Suite 201 Omaha, NE 68114. A Decision of the Commission, Review Board Number 2, decided May 1, 1981, and served May 18, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand or need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals and related products*, between points, in NE, on the one hand, and, on the other, points in IA, MN, SD, and KS; that applicant is fit, willing, and able properly to perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission
James H. Bayne,
Acting Secretary.

[FR Doc. 81-18285 Filed 6-18-81; 8:45 am]
BILLING CODE 7035-01-M

[Decision Volume No. 427]

Motor Carriers; Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the Federal Register.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this

Federal Register notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 140094 (Sub-3) (republication), filed February 21, 1980, published in the Federal Register issue of June 26, 1980, and republished this issue. Applicant: LATIN EXPRESS SERVICE, INC., 4 N.W. 19th Ave., Miami, FL 33125. Representative: Kim G. Meyer, 200 Gas Light Tower, 235 Peachtree Street NE, Atlanta, GA 30303. A Decision of the Commission, Administrative Law Judge, decided March 5, 1981, and served March 3, 1981, finds that the performance by applicant of the service will serve a useful public purpose, responsive to a public demand and need to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *passengers and their baggage and express in the same vehicle with passengers*, between Miami Beach, FL and Union City, NJ; From Miami Beach over McArthur Causeway to Miami, then over the Florida Sunshine State Parkway to Fort Pierce, FL, then over Interstate Highway 95 to the Delaware Memorial Bridge, then over the Delaware Memorial Bridge to the New Jersey Turnpike, then over the New Jersey Turnpike to Interchange 16-E and then over Interstate Highway 495 to Union City, and return over the same route, serving the intermediate points of Miami, FL and Elizabeth, NJ, for a term limited to 18 months. Any duplication in this authority and that held by applicant in lead docket No. MC 140094 does not confer more than one operating right; that applicant is fit, willing and able properly to properly perform the granted service and to conform to statutory and administrative requirements. The purpose of this republication is to reflect applicant's actual grant of authority.

By the Commission.
James H. Bayne,
Acting Secretary.

[FR Doc. 81-18283 Filed 6-18-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 81-16350, appearing at page 29547 in the issue for Tuesday, June 2, 1981 (see page 29547, third column) the heading should be corrected to read as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: July 14, 1981, 10:00 a.m., Room N-5437, A-B-C-D, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States. This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Meyer Bernstein, Executive Secretary, Labor Advisory Committee. Phone: (202) 523-6565, June 10, 1981.

Signed at Washington, D.C. this 15th day of June 1981.

Robert W. Searby,
Deputy Under Secretary, International Affairs.

[FR Doc. 81-18276 Filed 6-18-81; 8:45 am]
BILLING CODE 4510-28-M

Employment and Training Administration

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State Of Indiana

This notice announces the ending of the Extended Benefit Period in the State of Indiana, effective on June 13, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a

State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law, 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Indiana on March 23, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Indiana has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 23, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 13, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Indiana should contact the nearest State Board in their locality.

Signed at Washington, D.C., on June 11, 1981.

Albert Angrisani,
Assistant Secretary of Labor.

[FR Doc. 81-18268 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Vermont

This notice announces the ending of the Extended Benefit Period in the State of Vermont, effective on June 3, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State or National trigger rates set in the Act and the State law, 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Vermont on July 20, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Vermont has determined, in accordance with the State law and 20 CFR 615.12(e), that the

rate of insured unemployment in the State for the period consisting of the week ending on May 23, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit Period in that State terminated with the week ending on June 13, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Vermont should contact the nearest State Employment Office of the Vermont Department of Employment Security in their locality.

Signed at Washington, D.C., on June 11, 1981.

Albert Angrisani,
Assistant Secretary of Labor.

[FR Doc. 81-18267 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-30-M

Federal-State Unemployment Compensation Program; Ending of Extended Benefit Period in the State of Pennsylvania

This notice announces the ending of the Extended Benefit Period in the State of Pennsylvania, effective on June 13, 1981.

Background

The Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) established the Extended Benefit Program as a part of the Federal-State Unemployment Compensation Program. The Extended Benefit Program takes effect during periods of high unemployment in a State, or in the nation as a whole, to furnish up to 13 weeks of extended unemployment benefits to eligible individuals who have exhausted their rights to regular unemployment benefits under permanent State and Federal unemployment compensation laws. The Act is implemented by State unemployment compensation laws and by Part 615 of Title 20 of the Code of Federal Regulations (20 CFR Part 615).

Extended Benefits are payable in a State during an Extended Benefit Period, which is triggered "on" when the rate of insured unemployment in the State or in all States collectively reaches the State

or National trigger rates set in the Act and the State law. 20 CFR 615.12. During an Extended Benefit Period individuals are eligible for a maximum of up to 13 weeks of benefits, but the total of Extended Benefits and regular benefits together may not exceed 39 weeks.

The Act and the State unemployment compensation laws also provide that an Extended Benefit Period in a State will trigger "off" when the rate of insured unemployment in the State is no longer at the trigger rates set in the law. A benefit period actually terminates at the end of the third week after the week for which there is an off indicator, but not less than 13 weeks after the benefit period began.

An Extended Benefit Period commenced in the State of Pennsylvania on February 24, 1980, and has now triggered off.

Determination of "off" Indicator

The head of the employment security agency of the State of Pennsylvania has determined, in accordance with the State law and 20 CFR 615.12(e), that the rate of insured unemployment in the State for the period consisting of the week ending on May 23, 1981, and the immediately preceding twelve weeks, fell below the State trigger rate, so that for that week there was an "off" indicator in that State.

Therefore, the Extended Benefit period in that State terminated with the week ending on June 13, 1981.

Information for Claimants

The State employment security agency will furnish a written notice to each individual who is filing claims for Extended Benefits of the end of the Extended Benefit Period and its effect on the individual's right to Extended Benefits. 20 CFR 615.13(d)(3).

Persons who wish information about their rights to Extended Benefits in the State of Pennsylvania should contact the nearest State Employment Office of the Pennsylvania Department of Labor and Industry in their locality.

Signed at Washington, D.C., on June 11, 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-18269 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-30-M

Voluntary Reallocation of Funds Under Comprehensive Employment and Training Act Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Final Notice of the Voluntary Reallocation of Funds Under Title VII of

the Comprehensive Employment and Training Act (CETA).

SUMMARY: Pursuant to 20 CFR 676.47, the Department of Labor announces the voluntary reallocation of Title VII funds in the amounts and from the prime sponsors indicated below.

FOR FURTHER INFORMATION CONTACT: Jess Ramaker, Acting Administrator, Office of Comprehensive Employment Development, 601 D Street, N.W., Room 5014, Washington, D.C. 20213, Telephone: 202-376-6366.

SUPPLEMENTARY INFORMATION: The Trust Territory of the Pacific Islands and the Commonwealth of the Northern Marianas advised the Department of Labor that they will not be able to utilize their Fiscal Year 1981 Title VII funds in the amounts of \$6,483 and \$49,895, respectively, for the following reasons:

1. Both prime sponsor areas have a shortage of private enterprises that could provide employment and training opportunities.

2. These prime sponsors lack many of the resource people required by a Private Industry Council.

3. Both prime sponsors are understaffed. They further advised that they were agreeable to voluntary reallocation of these funds.

Based on comments received, the Department of Labor has decided to reallocate these Title VII funds totaling \$56,378 to Guam. The Department of Labor reviewed the operations of Guam and determined that Guam needed and will be able to effectively utilize the additional Title VII funds by the end of Fiscal Year 1981.

Signed at Washington, D.C., this 5th day of June 1981.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 81-18265 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-115-C]

Alabama By-Products Corp.; Petition for Modification of Application of Mandatory Safety Standard

Alabama By-Products Corporation, P.O. Box 127, Goodsprings, Alabama 35560 has filed a petition to modify the application of 30 CFR 75.1719 (illumination) to its Segco Mine No. 1 located in Walker County, Alabama. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the mine's Lee-Norse continuous miners be equipped with illumination devices.

2. The coal seam varies in height from 28 to 70 inches with soft and often undulating bottom conditions; water is a problem in this mine.

3. The petitioner states that application of the standard would result in a diminution of safety for the miners because:

a. There are no practical locations for the lighting equipment and placement of lights on the equipment would result in constant glare to the equipment operator and miners nearby;

b. Placement of the lighting fixtures would impair the cutting range or limits of the equipment and it would be difficult to maintain the lights and prevent them from striking the rib.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 20, 1981. Copies of the petition are available for inspection at that address.

Dated: June 11, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-18272 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-16-M]

Scolite International Corp.; Petition for Modification of Application of Mandatory Safety Standard

Scolite International Corporation, P.O. Box 1, Troy, New York 12181 has filed a petition to modify the application of 30 CFR 56.9-88 (roll-over protective structures) to its Troy Plant located in Rensselaer County, New York. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a tractor loader be equipped with roll-over protective structures (ROPS).

2. Petitioner is operating a 1969 Ford tractor loader equipped with seat belts and fitted with a completely enclosed, windowed cab with a metal roof. The

cab would have to be removed to install ROPS.

3. The loader is operated on level concrete floors in the buildings and on a level roadway connecting the buildings. The loader is operated by two skilled operators trained in its safe use.

4. The loader's maximum use is 1200 pounds; its capacity rating is 2440 pounds. The bucket is only raised approximately one-half of its designed use.

5. Petitioner states that it would be impossible for the loader to roll over under its present operating conditions and states that removal of the cab to install ROPS would expose the operator to severe winter weather conditions.

6. For this reason, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before July 20, 1981. Copies of the petition are available for inspection at that address.

Dated: June 11, 1981.

Frank A. White,
Director, Office of Standards, Regulations
and Variances.

[FR Doc. 81-18271 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

[V-81-1]

Texas Commerce Bank, N.A.; Grant of Variance

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Grant of Variance.

SUMMARY: This notice announces the grant of a permanent variance to Texas Commerce Bank, N.A., from the standards prescribed in 29 CFR 1910.66(b)(3) concerning the design requirements for powered platforms for exterior building maintenance.

DATES: The effective date of this grant of variance is June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Concannon, Director, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-3662, Washington, D.C. 20210,

Telephone: (202) 523-7144 or the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 555 Griffin Square Building, Room 602, Dallas, Texas 75202

U.S. Department of Labor, Occupational Safety and Health Administration, 1100 No. 505 NASA Road I, Houston, Texas 77058

I. Background

In February of 1981, Texas Commerce Bank, N.A., made application, pursuant to section 6(d) of the Occupational Safety and Health Act [29 U.S.C. 655 (d)] and 29 CFR 1905.11, for a permanent variance from portions of the safety and health standards prescribed in 29 CFR 1910.66(b)(3). This provision refers to and incorporates parts II and III of the American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, ANSI A120-1970. Section 21 of Part III of this standard requires that the design of the building or structure face in conjunction with the design of the building contact member on the working platform shall provide continuous contact of the working platform with the building or structure in order to absorb wind forces and horizontal components of live and dead loads on the working platform. Further, the face of the building shall be provided with T-rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

The address of the place of employment affected by the variance application is as follows: Texas Commerce Center, 601 Travis, Houston, Texas 7702.

Notice of the Texas Commerce Bank, N.A., application for variance was published on March 20, 1981, in the Federal Register [46 FR 17930-31]. The notice invited interested persons to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for variance.

One comment was received concerning the request for variance. The writer took exception to the proposed alternative method from two aspects and recommended that the variance not be granted, although no request was made for a hearing. The objections were to the lack of restraint of the platform over a 40 foot distance endangering the workmen from wind action on a tall structure, and to no mention being made of a method of enforcing the attachment of tie-backs at each cable restraint device.

With regard to the initial assertion, OSHA has determined that engineering data submitted by the applicant demonstrated that workmen were not in any danger from even a relatively high wind.

Regarding the second assertion, OSHA has determined that it will be necessary for operators of the powered platform to have knowledge of and training in the operation of the intermittent stabilization system. The employer is also aware of his responsibility in assuring compliance of the operators with the terms of the variance.

II. Facts

The applicant is the owner of the above noted building which has a rise of approximately 208 feet. He will purchase a powered platform to be used for exterior maintenance of this building.

The applicant will provide a system of intermittent stabilization of his powered platform to prevent horizontal translation with respect to the face of the building. The system will consist of threaded stainless steel insert anchors, secured to the face of the building and projecting beyond the face of the building. These anchors will be located in vertical rows at every third floor (approximately 40 feet) and spaced horizontally to allow a stabilization attachment for each of the two platform suspension wire ropes. The stabilization attachment, a quick connect-quick disconnect tie containing an adjustable lanyard to allow positioning of each suspension wire rope vertically parallel to the face of the building, will be attached to each anchor as each elevation of tie-in anchorage is reached during the descent of the working platform. The process will be reversed as the platform ascends. The removal will be assured in that the platform will be provided with electrical interlocks to interrupt power to its hoist(s) in the event either interlock contacts a stabilizer during the ascent of the platform. The platform will also be equipped with building face rollers.

The applicant contends that its alternative method of securing the powered platform, as described above, is as safe and healthful as the requirements of the standard from which a variance is sought.

III. Decision

On the basis of engineering data submitted to OSHA and discussions between the parties, an order was prepared which OSHA feels confident provides an environment as safe and

healthful as that provided by the standard.

Included among the requirements are the following:

(a) A requirement for suspension rope angulation in order to exert a specified minimum pressure of the powered platform against the face of the building;

(b) A positive means of assuring knowledge of the wind velocity at the highest point on the building;

(c) Use of a full-body harness including leg straps which, together with a short lanyard and an automatic locking rope grab, is designed to prevent injury to an employee in the event of a fall; and

(d) Specific requirements for strength and other safety aspects of the powered platform and its appurtenances.

The applicant will be required to comply not only with the requirements contained in the Order, but with all other applicable provisions of 29 CFR 1910.66.

IV. Order

Pursuant to authority in section 8(d) of the Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 8-76 (41 FR 29059), it is ordered that Texas Commerce Bank, N.A. be, and is hereby, authorized to comply with the requirements of this Order set out below in lieu of complying with that portion of § 1910.66(b)(3) of the Occupational Safety and Health Standards that requires the building to be provided with T rails, indented mullions, or equivalent guides which will positively engage building contact members on the working platform.

All other provisions of the standard are unaffected by this variance order, and Texas Commerce Bank, N.A., must continue to comply with them in conjunction with the terms of this Order.

1. The employer shall assure that all procedures required for the proper functioning of the intermittent stabilization system are carried out, in particular the requirement for connecting the lanyards attached to the suspension ropes to the building anchors during the descent of the platform.

2. The platform shall be no greater than 32 feet in length nor 3 feet in width.

3. The weight of the platform (no load) shall be no less than 1500 pounds.

4. The platform shall have openings or gaps to facilitate upward air flow.

5. The suspension rope angulation shall be designed into the suspension system and the tie-in lanyard so that the platform shall exert a minimum pressure of approximately 8 pounds against the face of the building.

6. The anchors in the face of the building shall be spaced vertically a

maximum distance of 43 feet apart. The minimum tensile strength of the anchor bolt shall be 600 pounds.

7. The powered platform shall not be operated when the wind velocity is 25 miles per hour or greater. At the very least, an instrument which will accurately measure wind velocity shall be located on the roof of the building.

8. Operators shall be provided with full-body harnesses, which include leg straps, connected to a lanyard of no greater than 3 feet in length. This lanyard shall, in turn, be connected by means of an automatic locking rope grab to a horizontal wire rope fastened in a taut manner across the rear of the platform. The ends of this wire rope shall be secured to structural members of the platform, and the mid-point of the rope secured to the rear guardrail. This system, consisting of the harness, the lanyard, the anchorage points, and any additional hardware involved, shall at a minimum be capable of withstanding a static load of 5,000 pounds.

9. The platform shall be provided with a sensing device that will interrupt its power supply in the event that the platform contacts the tie-in lanyard assembly, to prevent further ascent and ensure that the lanyard assembly can be disengaged from the building anchor.

10. The intermittent stabilization system including its building anchor, shall have a factor of safety of 4 against failure.

11. Operators shall have knowledge of and training in the operation of the intermittent stabilization system.

12. The employer shall comply with all provisions in this order and, in addition, shall not be relieved from compliance with all other applicable provisions of 29 CFR 1910.66.

As soon as possible, Texas Commerce Bank, N.A., shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective Date: This order shall become effective on June 19, 1981 and shall remain in effect until modified or revoked in accordance with section 8(d) of the Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 18th day of June, 1981.

Thorne G. Auchter,
Assistant Secretary of Labor.

[FR Doc. 81-16270 Filed 6-18-81; 8:45 am]
BILLING CODE 4510-26-M

Office of Pension and Welfare Benefit Programs

Proposed Exemption for Certain Transactions Involving the Radiology Associates Profit Sharing Plan and Trust Located in Vienna, Va. (Application No. D-2354)

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan of funds (the Loan) by the Radiology Associates Profit Sharing Plan and Trust (the Plan) to VIP Associates (VIP), a party in interest with respect to the Plan, and other transactions, as described herein, to be executed in accordance with the terms of the Loan. The proposed exemption, if granted, would affect the Plan and its participants and beneficiaries, VIP, and any other persons participating in the proposed transaction.

DATE: Written comments and requests for a public hearing must be received by the Department on or before July 29, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. D-2354. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 408(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code. The proposed exemption was requested in

an application filed on behalf of the Plan and VIP, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a money purchase plan which, as of December 15, 1980, had net assets of \$746,837 and approximately 21 participants. Messrs. Louis P. Kirschner (Kirschner), James H. Mero and Morton L. Moss are the trustees (the Trustees) of the Plan and exercise investment discretion with respect to Plan investments.

2. Kirschner, Chung and Mero Radiology Associates, Ltd. (the Employer) is the Plan sponsor. The Employer is engaged in the practice of medicine in the metropolitan Washington, D.C. area. VIP is a Virginia general partnership of which 51 percent of its capital and profit interest is held by Kirschner, a Trustee of the Plan. VIP is comprised of eleven partners who together maintain an aggregate personal net worth in excess of four (4) million dollars.

3. VIP, pursuant to a sales contract executed on January 7, 1981, has contracted to purchase from an unrelated seller an office condominium unit located at 5203A-5205A Lyngate Court, Burke, Virginia (the Property). VIP intends to lease the Property to the Employer. Pursuant to the terms of the sales contract VIP seeks an exemption whereby the Plan would be able to loan up to 80 percent of the purchase price of the Property (\$252,500) to VIP.

4. The applicant proposes that the Plan enter into the Loan for the sum of \$198,750 receiving in return a first trust deed on the Property. The Loan would constitute approximately 26 percent of the Plan's assets. The Loan would be for a term of ten years and would be amortized on a twenty year schedule. The Loan would bear an interest rate of 15 1/4 percent for the initial three years and thereafter, throughout the remainder

of the term, the interest rate would be readjusted annually to the greater of 15 1/4 percent or 1/4 of one percent above the prevailing interest rate for comparable mortgages in the metropolitan Washington, D.C. area. Principal and interest will be payable monthly throughout the term of the Loan. The applicant represents that the interest paid to the Plan in excess of fair market interest rates will not cause the annual additions to participants' accounts to exceed the limitations of section 415 of the Code.

5. Mr. John M. Hamman, an independent appraiser, determined that the Property, as of March 4, 1981, had a fair market value of \$265,000. Because the applicant represents that the Property will at all times have a value not less than 150 percent of the outstanding Loan balance, the Plan will initially disburse to VIP \$176,500, an amount less than two-thirds of the currently appraised value of the Property. The remaining \$22,250 (bringing the total amount loaned to \$198,750) would be disbursed only after anticipated improvements (such as special wiring and walls) to the Property are completed and a complete appraisal performed determining that the Property has a fair market value not less than 150 percent of the proposed Loan amount (\$198,750). Throughout the term of the Loan, VIP will insure, at its own expense, the Property against fire and other hazards for an amount not less than the original Loan amount and will execute a loss-payee clause providing for payment to the Plan.

6. A full recourse note against all of the eleven partners of VIP will be executed rendering each partner personally liable to the Plan in the event VIP, as obligor, defaults on the Loan. Additionally, VIP intends to assign rents due under the lease to be entered into with the Employer to the Plan enabling the Plan to receive rental payments directly in the event of default. The Employer intends to execute a written commitment to purchase the first trust note securing the Loan from the Plan for the note's outstanding principal balance plus accrued interest in the event of any default by VIP which is not cured by VIP within 90 days. The Employer, as of October 15, 1980, had a net worth of approximately \$155,715.

7. Mr. Josh Loren Nordan (Nordan), an attorney in Washington, D.C. familiar with real estate investments has agreed to serve as the fiduciary for the Plan with respect to the proposed Loan. Nordan is independent of VIP and/or the Employer. Nordan has determined that the terms of the proposed Loan are

fair and reasonable and has determined that the Loan is appropriate, suitable and in the best interests of the Plan. The applicant represents that the Loan will not be executed unless immediately prior to consummation Nordan determines that the transaction remains appropriate, suitable and in the best interests of the Plan. Nordan will enforce the terms of the Loan and the first trust deed and will be empowered to make demand upon VIP for timely payment; call any portion or all of the Loan if the Plan's liquidity needs so require; bring suit or other appropriate process against VIP in the event of default; report at least annually to the Plan on the Performance of the Loan; determine the specific interest rate which the Loan will bear after the initial three years of the Loan's term; and will ensure that throughout the term of the Loan the Property or other collateral will have a value not less than 150 percent of the outstanding Loan balance.

8. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because: (a) the Trustees of the Plan represent that the Loan is in the best interests of the Plan; (b) the Loan will enable the Plan to realize a high rate of return which at all times will not be less than 15 1/4 per annum; (c) the Loan represents approximately 26 percent of the Plan's assets as valued in December, 1980; (d) the Plan will have a first mortgage in the insured Property having a value throughout the term of the Loan not less than 150 percent of the outstanding Loan balance; (e) an independent party, Nordan, has determined that the terms of the Loan are fair and reasonable and that the Loan is appropriate for the Plan and in the best interests of its participants and beneficiaries; and (f) such independent fiduciary will be empowered to completely monitor and enforce the repayment of the Loan.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

Notice to Interested Persons

Within ten days after its publication in the *Federal Register* notice of this proposed exemption will be hand delivered or mailed to every participant in the Plan. Such notice will include a copy of this Notice of Proposed Exemption as published in the *Federal Register* together with a statement informing such interested persons of their right to comment and/or request a hearing regarding the requested exemption.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of

whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedures 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to (1) the Loan of \$198,750 by the Plan to VIP; and (2) other transactions to be executed in accordance with the terms of the Loan, including: a) the execution of a full recourse note by all of the partners of VIP thereby personally guaranteeing each partner's obligations pursuant to the Loan; and b) the agreement by the Employer to purchase the Loan and first trust deed from the Plan in the event of any default by VIP which is not cured within 90 days; provided that the Loan and other transactions to be consummated pursuant to the terms of the Loan are not less favorable to the Plan than those obtainable in an arm's length transaction with an unrelated third party at the time of consummation of the transaction.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 12th day of June 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration Department of Labor

(FR Doc. 81-10248 Filed 6-16-81; 8:45 am)

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-10,324; 11,285 & 11,285a]

AMF/Harley Davidson Motor Co., Inc.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation with regard to TA-W-10,324 was initiated on August 25, 1980 in response to a petition which was filed on behalf of workers at the Milwaukee, Wisconsin plant of AMF/Harley-Davidson Motor Company, Inc. The investigation with regard to TA-W-11,285 was initiated on October 14, 1980 in response to a petition which was filed by the Allied Industrial Workers of America on behalf of workers at the Wauwatosa, Wisconsin plant of AMF/Harley-Davidson. That petition was expanded to include workers at the Tomahawk, Wisconsin plant of AMF/Harley-Davidson (TA-W-11,285a). The workers at all three plants produce golf carts and motorcycles.

Imports of motorcycles over 790 cc increased both absolutely and relative to domestic production in 1979 compared to 1978 and increased absolutely in 1980 compared to 1979.

AMF/Harley-Davidson Motor Company, Incorporated markets its motorcycles through franchised dealers who sell them to the general public; thus the ratio of imports to domestic production of motorcycles serves as an indicator of import impact on AMF/Harley-Davidson. The ratio of imports to domestic production of motorcycles over 790 cc exceeded 100 percent in 1979 and 1980.

Workers at AMF/Harley-Davidson Motor Company, Incorporated are not

separately identifiable by product line. Golf carts account for a relatively small percentage of total company production. Any import influence in this product line could not have contributed importantly to overall employment declines at the firm.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with motorcycles produced at the Milwaukee, Wisconsin; Wauwatosa, Wisconsin and Tomahawk, Wisconsin plants of AMF/Harley-Davidson Motor Company, Inc. contributed importantly to the decline in sales or production and to the total or partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of the Milwaukee, Wisconsin; Wauwatosa, Wisconsin and Tomahawk, Wisconsin plants of AMF/Harley-Davidson Motor Company, Inc. who became totally or partially separated from employment on or after April 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of June, 1981.

C. Michael Abo,

Director, Office of Foreign Economic Research.

[FR Doc. 81-16273 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-29-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the

date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 29, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 29, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of June 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-16274 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-29-M

Appendix

Petitioner: Union workers or former workers of—	Location	Date received	Date of Petition	Petition No.	Articles produced
AMI Medical Electronics, Inc. (company)	Ronkonkoma, N.Y.	6/3/81	TA-W-12,750	Moisture and moisture light meters for horticultural use.	
Apico Corp. (company)	Des Plaines, Ill.	6/8/81	6/4/81	TA-W-12,751	Distributing convenience office copiers.
Apico Corp., Domestic Business Systems Group (company)	Elk Grove Village, Ill.	6/8/81	6/4/81	TA-W-12,752	Distributing convenience office copiers.
Blue Bird Food Products Co. (workers)	Philadelphia, Pa.	6/8/81	5/27/81	TA-W-12,753	Pork products.
C-E Power System—Combustion Engineering, Inc. (Boiler Makers)	Chattanooga, Tenn.	6/5/81	6/2/81	TA-W-12,754	Steam generator equipment.
Florsheim Shoe Co. (workers)	Cape Girardeau, MO.	6/8/81	5/12/81	TA-W-12,755	Cut bottom soles for shoes.
J. F. McElwain (workers)	Athol, Mass.	6/5/81	6/2/81	TA-W-12,756	Men's injected footwear.
Port Huron Machine Products (workers)	Port Huron Mich.	6/8/81	6/4/81	TA-W-12,757	Mfg. welding fixtures.
S & M Leather Coat Co. (ACTWU)	Trenton, N.J.	6/8/81	5/29/81	TA-W-12,758	Men's and children's leather outerwear.
Wayne Production Broaching (UAW)	Moreno Mich.	6/9/81	6/1/81	TA-W-12,759	Component parts for auto industry.
Alis Chalmers Corp. (workers)	Appleton Wis.	6/9/81	6/5/81	TA-W-12,760	Crushing and screening equipment.
Century Glove, Inc. (workers)	Newark, N.J.	6/9/81	6/4/81	TA-W-12,761	Work gloves.
Courtesy Auto Sales, Inc. (company)	Wilmington Del.	5/5/81	5/5/81	TA-W-12,762	Ford dealership.
Grocery Store Products Company (RWDSU)	Kennett Square, Pa.	6/10/81	6/5/81	TA-W-12,763	Canning of mushrooms.
Lambertville Ceramic & Mfg. Co., Inc. (workers)	Lambertville, N.J.	6/10/81	6/8/81	TA-W-12,764	Ceramic replacement parts for textile machinery, thread guides.
Norwalk Shoe Co. (company)	Skowhegan, Maine.	6/9/81	6/2/81	TA-W-12,765	Men's, women's and children's shoes.
Norwalk Shoe Co. (company)	Norridgewock Maine	6/9/81	6/2/81	TA-W-12,766	Men's, women's and children's shoes.
Park Silk Co., Inc. (company)	New York, N.Y.	6/10/81	5/22/81	TA-W-12,767	Weavers; drapery and tie goods.
Standard Forgings Inc. (USWA)	East Chicago, Ill.	6/9/81	6/5/81	TA-W-12,768	Freight and locomotive railroad axles.
Taunton Silversmiths, Ltd. (workers)	Taunton, Mass.	6/8/81	5/13/81	TA-W-12,769	Silverplated holloware.
Canton Textile Mills, Inc. (ACTWU)	Canton, Ga.	6/11/81	6/8/81	TA-W-12,770	Denim cloth.
Russ-Wear Undergarment Company (company)	New York, N.Y.	6/11/81	6/9/81	TA-W-12,771	Ladies' panties.

[FR Doc. 81-16274 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-29-M

[TA-W-11,234]

**Top of All Manufacturing Co., Inc.;
Certification Regarding Eligibility To
Apply for Worker Adjustment
Assistance**

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on October 6, 1980 in response to a petition which was filed by the International Ladies' Garment Workers' Union on behalf of workers at Top of All Manufacturing Company, Incorporated, Cumberland, Maryland. The workers produce ladies' sportswear including primarily ladies' blazers.

U.S. imports of women's, misses' and children's coats and jackets increased absolutely from 1979 to 1980 and in the first quarter of 1981 compared to the first quarter in 1980.

The Department conducted a survey with those manufacturers for whom Top of All performed contract work during the fiscal years ending April 1979, 1980 and 1981. The survey revealed that major customers which decreased purchases of ladies' blazers from Top of All, also increased contract work for ladies' blazers with foreign sources and decreased contracts with other domestic sources in the fiscal year ending April 1980 compared to the fiscal year ending April 1979. In addition, major customers increased purchases of imported ladies' blazers in the fiscal years ending April 1980 and 1981 as compared to the preceding fiscal year.

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' blazers produced at Top of All Manufacturing Company, Incorporated, Cumberland, Maryland contributed importantly to the decline in sales or production and to the total of partial separation of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Top of All Manufacturing Company, Incorporated, Cumberland, Maryland who became totally or partially

separated from employment on or after September 15, 1979 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 9th day of June 1981.

Gloria Pratt,

Director, Office of International Economic Policy and Programs.

[FR Doc. 81-18277 Filed 6-18-81; 8:40 am]

BILLING CODE 4510-28-M

[TA-W-8055, 8056, 8057, 8058, 9173, 9174, 9237 & 9238]

**Arrow Co.; Revised Determination on
Reconsideration**

On April 24, 1981, the Department made an Affirmative Determination Regarding Application for Reconsideration for workers and former workers of The Arrow Company, Atlanta, Georgia; Bremen, Georgia; Buchanan, Georgia; Cedartown, Georgia; Albertville, Alabama; Jasper, Alabama; Elysburg, Pennsylvania; and Lewistown, Pennsylvania. This determination was published in the Federal Register on May 1, 1981 (46 FR 24755).

The applicant for reconsideration (the ACTWU) claimed that imports of like and competitive shirts increased both absolutely and relative to domestic production during the relevant time period, and that all men's and boys' shirts are economically definable substitutes for one another, whether dress or sport, and whether knit or woven.

The Department's review of the case file showed that labor turnover data for the plants reflected turnover consistent with the overall industry trend. Data for the plants for the first half of 1980 revealed that "Quits" generally accounted for the declines in employment in that period.

In its reconsideration investigation, it was determined that workers who had been placed in the "Quits" category were in fact employees who had been on layoff status for a year or longer and were terminated. Their placement in the "Quits" category, thus proportionally decreased the number of workers who would be listed as "laid off". Based on additional information provided by the company, the Department also found that employment at most of the subject plants decreased substantially in the last quarter of 1980 compared to the same quarter in 1979 and decreased in the first quarter of 1981 compared to the first quarter in 1980.

The Department in its reconsideration found that imports of men's and boys' dress shirts increased absolutely in 1979

compared to 1978, and that imports of men's and boys' woven sport shirts increased absolutely and relatively in 1979 compared to 1978 and increased absolutely in 1980. In addition, company imports of both men's dress shirts and sport shirts increased significantly in 1979 compared to 1978 and in the first half of 1980 compared to the same period in 1979.

Conclusion

After careful review of the facts obtained on reconsideration, it is concluded that increased imports of men's and boys' shirts contributed importantly to the total or partial separation of workers and former workers at the following Arrow Company plants: Atlanta, Georgia; Bremen, Georgia; Buchanan, Georgia; Cedartown, Georgia; Albertville, Alabama; Jasper, Alabama; Elysburg, Pennsylvania; and Lewistown, Pennsylvania. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers at The Arrow Company plants in Atlanta, Georgia; Bremen, Georgia; Buchanan, Georgia; Cedartown, Georgia; Jasper, Alabama; Elysburg, Pennsylvania; and Lewistown, Pennsylvania who became totally or partially separated from employment on or after February 1, 1980, and all workers at the Albertville, Alabama plant who became totally or partially separated on or after April 20, 1980, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of June 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-18273 Filed 6-18-81; 8:45 am]

BILLING CODE 4510-28-M

NATIONAL SCIENCE FOUNDATION

**Advisory Committee for Engineering
and Applied Science**

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Engineering and Applied Science

Date and time: July 9-10, 1981; 9 am-5 pm 7/9; 9 am-3:30 pm 7/10

Place: National Science Foundation, 1800 G Street NW., Room 540, Washington, D.C. 20550

Type of meeting: Open
Contact person: Mrs. Mary Poats, Executive Secretary, Advisory Committee for

Engineering and Applied Science, Room 537, National Science Foundation, Washington, D.C. 20550, Telephone: (202) 357-9571

Summary minutes: Contact Mrs. Mary Poats at the above address

Purpose of advisory meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to Engineering programs and activities.

Agenda

Thursday, July 9

- 9:00 am—Welcoming remarks, Dr. Slaughter; Welcoming remarks and selection of Chairperson, Dr. Sanderson
- 9:30 am—Committee discussion of organization functions and work agenda
- 10:00 am—Coffee break
- 10:15 am—Presentation on national trends in engineering and studies of engineering research and education activities
- 10:45 am—Overview of NSF Engineering programs: ECSE, Dr. Kahne; CPE, Dr. Lib; MEAM, Dr. Strauss; CEE, Dr. Butcher
- Noon—Lunch
- 1:30 pm—Task group assignments and discussion of priorities
- 2:00 pm—Individual task group meetings
- 5:00 pm—Adjournment

Friday, July 10

- 9:00 am—General discussion
- 9:45 am—Individual task group meetings
- Noon—Lunch
- 1:00 pm—Preliminary reports of task groups and plans for action
- 2:30 pm—Long-range plans
- 3:30 pm—Adjournment.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-18216 Filed 6-18-81; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for Economics of the Advisory Committee for Social and Economic Science

Meeting

In accordance with the Federal Advisory Committee, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Economics of the Advisory Committee for Social and Economic Science.

Date and Time: July 9, 1981: 9:00 a.m. to 5:00 p.m.; and July 10, 1981: 9:00 a.m. to 5:00 p.m.

Place: Room 628, National Science Foundation, 1800 G Street, NW., Washington, D.C.

Type of Meeting: Part Open—July 10, 1981: 1:00 p.m. to 5:00 p.m. Closed—July 9, 1981: 9:00 a.m. to 5:00 p.m. and July 10, 1981: 9:00 a.m. to 1:00 p.m.

Contact person: Dr. Daniel H. Newlon, Program Director, Economics, Room 312, National Science Foundation, Washington, D.C. 20550; telephone (202) 357-9674.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in and research-related projects in Economics

Agenda: Open: 1:00 p.m. to 5:00 p.m., July 10, 1981—Discussion of program policy toward budget cuts.

Closed: 9:00 a.m. to 5:00 p.m., July 9, and 9:00 a.m. to 1:00 p.m., July 10, 1981—To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 81-18217 Filed 6-18-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting on July 7, 1981, Room 1167, 1717 H Street NW., Washington, DC to discuss Advanced Reactor Research Program for FY 1983. Notice of this meeting was published June 19.

In accordance with the procedures outlined in the Federal Register on October 7, 1980 (45 FR 66535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (Sunshine Act exemption 4). To the extent practicable,

these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows: Tuesday, July 7, 1981, 8:30 a.m. until the conclusion of business.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552b(c)(4).

Dated: June 15, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-18279 Filed 6-18-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-364]

Alabama Power Company; Notice of Issuance of Amendment to Facility Operating License No. NPF-8

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. NPF-8. This amendment was issued to Alabama Power Company for the Joseph M. Farley Nuclear Plant, Unit 2 to correct typographical errors in the Technical Specifications and to allow a 24 second delay in energizing one emergency bus for one diesel generator.

The Joseph M. Farley Nuclear Plant is located in Houston County, Alabama. This amendment was effective on May 6, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act

of 1954, as amended (the Act), and the Commission's requirements. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards considerations.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an Environmental Impact Statement, or Negative Declaration and Environmental Impact Appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment, dated May 5, 1981; (2) Amendment No. 1 to Facility Operating License NPF-8; and (3) the Commission's related Safety Evaluation. All of these documents are available for public inspection at the Commission's Public Document Room, located at 1717 H Street, N.W., Washington, D.C. 20555 and at the G. S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303 or may be requested by writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Attention: Director, Technical Information and Document Control.

Dated at Bethesda, Maryland, this 15th day of June, 1981.

For the Nuclear Regulatory Commission,
B. J. Youngblood,
Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-18279 Filed 6-16-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-471]

Boston Edison Company, et al., (Pilgrim Nuclear Generating Station, Unit 2); Order Setting Prehearing Conference

June 15, 1981.

A prehearing conference will be held in this matter commencing at 1:00 p.m., on July 1, 1981, at Room 304, Suffolk County Courthouse, Government Center, Boston, Massachusetts. The purpose of this conference is to set a schedule for settling with finality the contentions in issue, to schedule discovery, to set dates for the filing of testimony and hearings dates and such other matters as may be brought before the Board.

It is so ordered.

Dated at Bethesda, Maryland this 15th day of June 1981.

For the Atomic Safety and Licensing Board.
Andrew C. Goodhope,
Chairman, Administrative Judge.
[FR Doc. 81-18280 Filed 6-16-81; 8:45 am]
BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-4]

Mail Classification Schedule, 1981 Express Mail Insurance Claims Eligibility Requirements; United States Postal Service's Filing of a Request for a Recommended Decision on Changes in the Express Mail Insurance Claims Eligibility Requirements

June 15, 1981.

Notice is hereby given that on June 8, 1981, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on proposed revisions in the eligibility requirements and processing procedures for Express Mail insurance claims. This filing has been assigned Docket No. MC81-4.

The Postal Service states that its request contains such information and data which explain the nature, scope, significance and impact of the proposed changes.¹ The Postal Service offers two alternative proposals. The first proposal would revise sections 500.41 and 500.44 of the Domestic Mail Classification Schedule ("DMCS"). This proposal retains the maximum liability for document reconstruction and merchandise that is presently in effect, under section 500.41, and also identifies the actual indemnity of \$15 for mailings valued at \$15 or less, or for negotiable items, or currency or bullion. The specific terms and conditions for processing insurance claims and postage refunds would be set forth only in the Postal Service regulations. The Postal Service supports this proposal by noting that only the maximum insurance liability bears significantly on the intrinsic costs and value of the service, and that permitting the Postal Service flexibility in the specific provisions for processing insurance claims would relieve the Service, and others, of unnecessary administrative hardships.

The Postal Service urges the Commission to recommend the first proposal but also presents an alternative. This second proposal would revise sections 500.041b and 500.044 of

the DMCS. Section 500.041b, regarding merchandise insurance, would be changed by eliminating the need for the mailer to declare the value of an item at the time of mailing. As a result, customers would be able to recover the actual cash value of the item up to the present maximum of \$500, except for mailings with a value of \$15 or less, or for negotiable items, currency, or bullion where the indemnity is limited to \$15.00. Section 500.044 would be changed by permitting the addressee, as well as the mailer, to file an insurance claim in certain circumstances. The Postal Service states that this proposal will ease the processing of Express Mail insurance claims and will permit more equitable adjudications of such claims. The Service also states that neither proposal will have an appreciable effect on Express Mail costs. Using FY 1979 data, it estimates an increase of approximately 15/100 of one cent per piece which, it states, "is an insignificant increase, which the Postal Service is willing to accept to remove a limitation which our customers believe unfair."

Hearings will be held on the proposal submitted by the Postal Service in Docket No. MC81-4. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before June 30, 1981, and must be in accordance with § 20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to § 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.² Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before June 30, 1981, file a written request for leave to be heard as a "limited participant," pursuant to § 19a of the Commission's rule of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file

² In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of desired preliminary clarification of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

¹ The specific changes in the Domestic Mail Classification Schedule are set out in legislative format in Attachment I of the Postal Service's Request.

comments pursuant to § 19b of the Commission's rules, 39 CFR 3001.19b.

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of rule 64(d), rule 64(b)(3), rule 64(c)(2), rule 64(e) and rule 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rule 54(q).

The Postal Service requests waiver of 64(h), to the extent described above, because the proposed changes do not significantly change the cost revenue relationships referred to in 64(h)(1)(i)-(iv). It states that the effect of an increase of approximately 15/100 of one cent per piece "would not appreciably or measurably increase the attributable/assignable costs of Express Mail" and that the effect on total attributable/assignable costs would be minuscule. The Postal Service requests that 64(d) be waived to the extent it requires development of costs and revenues in accordance with 54(h), 54(f), and 54(j). The Postal Service supports its request for waiver of the cost data required by 54(h) and (f), by stating that it is not requesting any changes in rates or fees, and that the effect of the changes on attributable/assignable costs is insignificant. With respect to 54(j), the Service refers to witness Ganley's testimony that the volume of Express Mail and the number of claims filed will not be effected by the proposed changes and also states that "it is impossible to produce any volumes or demand data in this proceeding." The Postal Service states that 64(b)(3) should be waived because the proposed changes will have no effect upon the economic substitutability between Express Mail or any class or subclass of mail. It states that shape, weight, and distance of Express Mail are of no relevance to Express Mail insurance claims eligibility requirements and procedures and therefore requests a waiver of 64(c)(2). The Postal Service says that 64(e) should be waived because the proposed revisions do not entail any interclass changes.

Parties who wish to address the Postal Service's motion should file their answers by June 30, 1981.

The request of the Postal Service for a recommended decision on changes in Express Mail insurance claims eligibility requirements and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

By Order of the Commission.

David F. Harris,

Secretary.

[FR Doc. 81-18173 6-18-81; 8:45 am]

BILLING CODE 7715-01-M

POSTAL SERVICE

Proposed Telecommunications Connections Arrangements for U.S. Postal Service Electronic Computer Originated Mail (E-COM) Service

AGENCY: Postal Service.

ACTION: Notice of proposed telecommunications connection arrangements for E-COM service.

SUMMARY: This notice describes the proposed arrangements for telecommunications common carriers to connect with E-COM service serving post offices (SPOs). These proposed arrangements are presented at this time to enable interested parties to plan and provide for their means of telecommunications access to the SPO facilities. The Postal Service invites comments on these proposed arrangements to assist it in providing telecommunications arrangements that will accommodate the diverse needs of the wide range of parties to be served by E-COM service.

DATES: Comments must be received on or before July 23, 1981. Questions and oral comments concerning this notice may be presented at a conference to be held at 1:30 p.m. in the Benjamin Franklin Room, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260, on June 29, 1981.

ADDRESS: Written comments should be addressed to the Director, Office of Electronic Mail Systems Development, Postal Service Research and Development Laboratories, 11711 Parklawn Drive, Rockville, MD 20852. Copies of written comments will be available for inspection and copying by calling (301) 443-6255 for an appointment.

FOR FURTHER INFORMATION CONTACT: Charles S. Shaw, (301) 443-6255.

SUPPLEMENTARY INFORMATION:

E-COM Service

The USPS E-COM service, beginning in January, 1982, will enable mailers to receive consistent delivery of messages by the second business day throughout the United States. In E-COM service, mailers will transmit messages via telecommunications common carriers to telecommunications receiving facilities at Serving Post Offices (SPOs) located in the following 25 cities:

Phoenix, AZ
Los Angeles, CA
San Francisco, CA
Denver, CO
Washington, DC
Orlando, FL
Atlanta, GA
Chicago, IL
New Orleans, LA
Boston, MA
Detroit, MI
Kansas City, MO
St. Louis, MO
Minneapolis, MN
Charlotte, NC
New York, NY
Cincinnati, OH
Philadelphia, PA
Pittsburgh, PA
Nashville, TN
Dallas, TX
San Antonio, TX
Richmond, VA
Seattle, WA
Milwaukee, WI

Each transmission to a given SPO must convey at least 200 messages. At the SPO, the USPS will print the messages on paper and insert them into envelopes. Messages will then be delivered to addressees as regular First-Class Mail. Appendix A delineates the ZIP Code areas served by each SPO.

Proposed E-COM Telecommunications Connection Arrangements

The proposed arrangements for connection to the telecommunications-receiving facilities in the 25 SPOs are presented at this time to enable interested parties to plan and provide for their respective means of telecommunications access to the SPO facilities. The Postal Service invites comments from interested parties concerning these proposed arrangements. Such comments will assist the Postal Service in providing telecommunications arrangements that accommodate the diverse needs of the wide range of parties to be served by E-COM facilities.

Mailers who use E-COM service can submit messages through telecommunications carriers in two ways: direct and indirect. In the direct method, users send messages directly to the appropriate SPOs using only the transmission services of telecommunications carriers. Such carriers are here termed *common carriers*. In the indirect method, users transmit messages to the facilities of a company that performs message-processing functions in addition to transmitting the messages to the appropriate SPOs. Such companies are termed *processing companies*.

The proposed E-COM telecommunications arrangements will

provide two broad classes of access facilities at each SPO: public and private. The public access facilities will permit customers to connect to any SPO by means of the nation-wide public switched telephone network, using whichever telecommunications common carriers the customers may choose. The public access telecommunications facilities at each SPO may be used either by mailers sending messages directly via common carriers or by processing companies sending their customers' messages from the companies' processing facilities. The private access facilities at each SPO are available only to telecommunications common carriers.

Public Access Facilities

In the initial E-COM configuration proposed for service beginning in January 1982, each SPO will be equipped with public access telecommunications facilities.

The Postal Service will provide all of the telecommunications equipment and services needed at each SPO to permit dial-up access, including protocol hardware and software, modems, and public telephone network connections. Parties sending E-COM messages to the SPOs will be provided with the telephone numbers and transmission characteristics for each telecommunications port at each SPO.

Two telecommunications arrangements compatible with message transmission equipment that is in relatively wide use today will be available for public access at each SPO. These arrangements are:

(a) *Binary synchronous*, compatible with the IBM 2780 and 3780 terminals, using EBCDIC character code sets, operating at 2400 bits per second with Bell System 201 modems and at 4800 bits per second with Bell System 208 modems, and,

(b) *Asynchronous*, compatible with Teletype KSR/ASR 33 or 35, used in a wide variety of currently used message and data terminals, using the ASCII character structure, operating at 300 or 1200 bits per second with Bell System 212 modems.

An X.25 packet protocol will also be provided for public access when warranted by demand and commercially available equipment.

The Postal Service intends to provide sufficient public access ports of each type at each SPO to assure that, during the busiest hour of a typical business day, no more than 5 percent of the incoming calls will find all ports of that type busy. The Postal Service may not, however, be able to meet this standard when service commences.

The Postal Service may, at user request, schedule the use of specific ports on specific occasions so that users can be assured that ports will be available if needed.

Private Access Facilities

While the public access facilities provided by the Postal Service at each SPO are available to all E-COM senders (both mailers and carriers alike), some senders may choose to obtain and use private access facilities at the SPOs. These senders may seek a variety of benefits from such private access facilities, including exclusive and certain access at all times, resale or control over the shared use of access facilities, or transmission efficiency through use of speeds, protocols, character structures, or telecommunications interface design characteristics not available in the public access facilities. In sum, such private access facilities afford senders a measure of control over essential facilities that is not available to users who rely exclusively on the public access facilities provided by the Postal Service.

The E-COM facilities may not be able to accommodate immediately all requests for private access. If necessary, the Postal Service will adopt criteria for permitting private access that will ensure the most fair and efficient allocation of resources which, for a time, will be scarce. At the same time, every reasonable effort will be made to accommodate all who desire private access.

As indicated previously, under the Domestic Mail Classification Schedule E-COM provisions now in effect, only telecommunications common carriers are permitted at this time to obtain and use private access facilities. Accordingly, the Postal Service proposes initially to provide private access facilities at the SPOs only to common carriers. Such carriers may obtain direct access to the message-receiving telecommunications controllers at the SPOs under the following conditions:

(a) Carriers must provide their own telecommunication interface circuit boards and modems.

(b) The equipment used for this purpose by the carrier must be approved by the Postal Service so that the equipment meets the compatibility and performance requirements defined by the Postal Service, and,

(c) The carriers must guarantee a minimum volume of paid messages for each access facility granted to the carriers by the Postal Service.

The carriers will determine the line protocols, speeds, and numbers of ports

for this private interface equipment, subject to Postal Service approval. Each carrier will choose the SPOs at which that carrier provides private interface equipment.

The Postal Service will provide routine maintenance service for the carrier-provided interface equipment to maintain overall E-COM system integrity. The carrier, however, will be responsible for the repair or replacement of malfunctioning equipment.

The Postal Service will require that the carrier guarantee a specified minimum volume of message-traffic as a condition for the carrier's private access to the Postal Service E-COM facilities.

When the number of carriers wanting slots at any SPO exceeds the number of slots immediately available, the Postal Service will use competitive bidding based on guaranteed traffic volumes to award the circuit board slots that may be available at that time. Additional slots will be provided as soon as practicable to accommodate all carriers which meet the specified minimum. No carrier will be permitted to have more than one slot at any SPO until all carriers which want private access to that SPO have been assigned a slot.

Carriers may sell to mailers or to other carriers or share with them the use of the carrier's private access equipment and facilities, provided that such sale or shared use does not adversely affect the Postal Service's equipment or other users of E-COM service.

Description of SPO Telecommunications Facilities

The Postal Service E-COM facilities at each SPO include telecommunications control equipment for receiving messages from senders. The particular device that will be used for this purpose at each SPO when E-COM operations begin in January 1982 is the Plessey Micro-1/23L sub-system, which employs the Digital Equipment Corporation (DEC) PDP-11/23 microprocessor.

This SPO telecommunications receiving equipment in turn accommodates several telecommunications interface units, each of which can include a microprocessor and associated circuitry. The interface units are implemented on circuit boards that can be plugged into the SPO telecommunications receiver equipment. The line protocols, speeds, and numbers of ports associated with each interface unit are a function of the circuit board design and programming. Each SPO can accommodate multiple circuit boards, that is, each SPO has multiple circuit board slots. Some

currently used line protocols (including the asynchronous or the binary synchronous protocols used for the SPO public ports) can be accommodated on a single circuit board, and circuit boards are commercially available that provide two ports each operating at up to 9600 bits per second, while others require two circuit boards to provide one port for private access up to 9600 bits per second using an X.25 line protocol or up to 56 kilobits per second using a DEC DDCMP protocol.

Interface circuit boards for the following protocols are commercially available: bisynchronous 2780 and 3780, X.25 LAP B bisynchronous, and DEC DDCMP. Interface circuit boards for the asynchronous KSR/ASR protocol are expected to be commercially available in the future. Appendix B presents the available data on interfacing with Postal Service telecommunications receiving equipment. Additional information will be made public as soon after it is available to the Postal Service as practicable.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

Appendix—SPO Locations and Service Area (States and ZIP Codes) Northeast Region

1. Boston, MA—Massachusetts (010-027), Rhode Island (028-029), New Hampshire (030-039), Maine (040-049), Vermont (050-059), Connecticut (060-067)
2. New York, NY—Connecticut (068-069), New Jersey (070-079, 088-089), New York (090-098, 100-129)
3. Philadelphia, PA—New Jersey (080-087), Pennsylvania (169-196), Delaware (197-199)
4. Washington, DC—Washington, DC (200-205), Maryland (206-219), Virginia (220-223, 226-227), West Virginia (254, 267-268)
5. Pittsburgh, PA—New York (130-149), Ohio (439), Pennsylvania (150-168), West Virginia (246-253, 255-266)
6. Richmond, VA—Virginia (224-225, 228-245)

SPO Locations and Service Area (States and Zip Codes) Southern Region

7. Charlotte, NC—North Carolina (270-289), South Carolina (290-297)
8. Atlanta, GA—South Carolina (298-299), Georgia (300-306, 308-319), Alabama (350-355, 359-364, 367-368)
9. Nashville, TN—Georgia (307), Alabama (356-358), Tennessee (370-386), Mississippi (388), Kentucky (420-422), Arkansas (723-724)
10. Orlando, FL—Florida (320-340)
11. Dallas, TX—Arkansas (716-722, 725-729), Oklahoma (730-738, 740-749), Texas (750-767, 790-794)
12. San Antonio, TX—Texas (788-789, 795-799)
13. New Orleans, LA—Alabama (365-366, 369), Mississippi (387, 389-397), Louisiana (700-714)

SPO Locations and Service Area (States and ZIP Codes) Central Region

14. Cincinnati OH—Kentucky (400-418, 423, 425-427), Ohio (430-433, 437-438, 440-458), Indiana (470, 471)
15. Chicago, IL—Kentucky (424), Indiana (460-469, 472-479), Iowa (520, 526-528), Illinois (600-619)
16. Detroit, MI—Ohio (434-436), Michigan (480-497)
17. Milwaukee, WI—Michigan (498-499), Wisconsin (530-539, 541-546, 549)
18. Minneapolis, MN—Wisconsin (540, 547-548), Minnesota (550-567), South Dakota (570-577), North Dakota (580-588)
19. Kansas City, Mo—Iowa (500-516, 521-525), Missouri (640-647, 653), Kansas (660-679), Nebraska (680-693), Oklahoma (739)
20. St. Louis, MO—Illinois (620-629), Missouri (630-639, 648, 650-652, 654-658)

SPO Locations and Service Area (States and ZIP Codes) Western Region

21. Denver, CO—Montana (590, 591, 593), Colorado (800-816), Wyoming (820-831), Utah (840-847), Arizona (865), New Mexico (870-884), Nevada (893, 898)
22. Phoenix, AZ—Arizona (850-864), Nevada (890-891)
23. Seattle, WA—Idaho (832-838), Montana (592, 594-599), Oregon (970-979), Washington (980-994)
24. San Francisco, CA—Nevada (894, 895, 897), California (936-966)
25. Los Angeles, CA—California (900-935)

Appendix B—E-COM Telecommunications Data and Interface Requirements

Introduction

The E-COM (Electronic Computer Originated Mail) system being developed by the United States Postal Service and scheduled for operation in January, 1982, will accept mail submitted by authorized customers by electrical transmission over communications lines. Initially, the Postal Service will support a set of four standardized data communications protocols. These protocols are supplemented by standard data format requirement to assure data integrity and standard transmission procedures to assure economical, accountable and secure entry of large mail batches.

A brief description of these procedures is provided in this appendix. Implementation level details will be provided to interested users as needed.

User Data Formats and Data Submission Requirements

A group of messages may be submitted via telecommunications. A given transmission may be in either ASCII code or EBCDIC code but must be entirely in one or the other.

The order of blocks in submission must be:

- E-COM Group Label
- Message Blocks
(Any number of messages, in any mix of message types each message consisting of the combination of header, text control, text and address blocks.)
- E-COM End Block

The E-COM Group Label provide the following information:

- Type of character code
- Customer ID
- Transmission group ID
- Postage estimate
- Common carrier ID
- Return address

The Message Blocks provides the data necessary to print the complete letters. The exact format varies by letter type. The following data blocks are used as appropriate:

- E-COM Message Header—SAM (Single Address Message)
- E-COM Message Header—TIM (Text Insertion Message)
- E-COM Message Header—COT (Common Text Message, Using prestored text)
- E-COM Message Header—PTX (Pre-stored Text)
- Text Control Block
- Text Block
- Address Block

The E-COM End Block consists of four bytes of data (SEND) to establish the end point of the submission.

A byte level description of these formats is available for interested potential users.

Transmission Control Procedures

To provide increased accountability for customer submissions, E-COM requires that additional procedures be followed independent of a particular data communications protocol. Accordingly, once a physical connection and data link are established with E-COM, the customer must initiate a transmission session by entering a predetermined character sequence. E-COM will then prompt for a logon sequence which, when entered and successfully verified, results in an E-COM, identification and go ahead message being returned. Messages formatted according to E-COM standards may now be entered. When the submission is complete, the customer must terminate the session by entering a predetermined character sequence. E-COM will then return a message indicating that the submission has been accepted and filed for subsequent processing. The data link and connection can now be terminated.

Byte level descriptions of these control procedures will be available for interested potential users at a later date.

Transmission Protocols

E-COM offers support for the following protocols: (1) X.25, (2) IBM 2780/3780, (3) asynchronous, and (4) DEC DDCMP.

X.25 protocol support allows customer and E-COM equipment to be interconnected by networks using X.25 standards. On the E-COM side of the network, the electrical interface standard (level 1) is RS-232C and the data link protocol (level 2) is LAPB with BISYNC framing. Line characteristics include full-duplex mode, ACSII and EBCDIC code, and 2400, 4800, or 9600 BPS.

IBM 2780/3780 protocol support allows dial-up connections with IBM 2780, 3780, and compatible terminals using EBCDIC line code. The operating mode is half-duplex transmission at either 2400 BPS with Bell 201C modem or 4800 BPS with Bell 208B modem.

Asynchronous protocol support allows dial-up connections with terminals possessing characteristics compatible with a TTY KSR or ASR Model 33 or 35, and capable of properly responding to XON/XOFF control characters. Line characteristics include full-duplex mode, ASCII code, and 300 or 1200 BPS with Bell 212A modem. The devices above must transmit from an on-line storage medium (i.e. Tape) rather than from its keyboard.

DEC (Digital Equipment Corporation) DDCMP protocol support allows dedicated line connections with compatible devices using ASCII code and operating in full duplex mode at 56000 BPS.

Multiple Mailer Submissions

Letters from several mailers can be merged into a single transmission provided that the combined group:

- Has a single group header
- Uses a single character code
- Is billed to a single user
- Has a single End of Group Block
- And that message identification numbers are arranged in increasing order without duplication

Description of USPS Termination Equipment

E-COM line termination equipment consists of one or more Protocol Device Units (PDU) unique to each supported protocol. It is designed to be compatible with Bell modems and with a DEC PDP 11/23 UNIBUS. The plug-in cards are of two types. The first is the standard DEC DMC-11 for the DDCMP protocol. The second type of card is for the remaining three protocols and has the following characteristics:

- Zilog Z80 based product with 4MHz clock
- 4K bytes of static RAM
- 16K bytes of user PROM
- 1K byte system maintenance ROM
- Memory expansion to 1M byte
- Two full duplex serial I/O port with modem control and choice of electrical interface
- Three DMA channels
- Z80 bus for memory and I/O expansion
- Unibus compatible 1 Unit load—mounts in HEX SPC unibus slot
- Unibus DMA (NPR) operation
- Unibus addressable control/status/data registers
- Software controller interrupt vector
- Down-line loadable from host PDP-11
- Mechanical Characteristics
 - 1 double height HEX board
 - 1 HEX SPC slot in Unibus PDP-11 backplane
- Power consumption
 - 6 amps @ 5V
 - .35 amps @ +15V
 - .25 amps @ -15V
 - Temp. +5 to +50°C—10 to 95%RH

The HEX card connectors A through F are compatible with DEC standards as described in the PDP-11 BUS handbook for connectors A and B and the DEC PDP-11/44 system technical manual for connectors C, D, E, and F. The exact pin allocations will be provided at a later date.

The user prompts contain X.25, 3780/2780, or asynchronous code compatible with the 11/23 host driver and applications code. In the case

of X.25, a memory expansion card is required. Additional details of this interface will be made public as soon as practicable after it is available to the Postal Service.

Certification

Prior to initial entry into the E-COM system the customer interface equipment and procedures must be certified by successfully passing valid telecommunications traffic to the USPS Test and Development facility. This facility is equipped to provide an analysis of the test submission to assure trouble free use of the E-COM system after certification is obtained.

[FR Doc. 81-18413 Filed 6-18-81 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 17866; (SR-DTC-81-2)]

The Depository Trust Co. ("DTC"); Order Approving Proposed Rule Change

June 15, 1981.

On March 25, 1981, the Depository Trust Company ("DTC") filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 789(s)(b)(1) (the "Act") and Rule 19b-4 thereunder, copies of a proposed rule change to eliminate DTC's call on the continuous Net Settlement Fund Portion of the Clearing Fund of National Securities Clearing Corporation ("NSCC").

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34-17670, March 30, 1981) and by publication in the Federal Register (46 FR 20354, April 8, 1981). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to clearing agencies and in particular, the requirements of Section 17A and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the

above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18309 Filed 6-18-81 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 15, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of: Kenai Corporation, Common Stock, \$.05 Par Value (File No. 7-5949).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 7, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-18310 Filed 6-18-81 8:45 am]

BILLING CODE 8010-01-M

Pacific Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

June 15, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section

12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of: Texas Oil & Gas Corporation, Common Stock, \$.50 Par Value (File No. 7-5948).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 7, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18311 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17755; File No. 4-281]

Receipt of Amendment to CQS Plan Filed Pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934

April 24, 1981.

On April 1, 1981, the participants in the consolidated quotation system ("CQS") submitted to the Commission an amendment to the joint industry plan implementing and governing the operation of the CQS (the "Plan") authorized pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 ("Act").

I. Description of Amendment

The Plan participants have proposed amending Sections I(z) and VI(d) of the Plan and adding a new Section (b-1) to Section I(b) of the Plan. The purpose of this amendment is to provide in the Plan for the selection and dissemination by the Securities Industry Automation Corporation, ("SIAC"), the Plan processor, of a "best" bid and offer ("BBO") with respect to each Eligible Security. The amendment was filed in response to the Commission's

suggestion¹ that the creation of a central processor who would make available a BBO for each Eligible Security to quotation information vendors might facilitate compliance by those vendors with the requirement in Rule 11Ac1-2 (c)(2)(1) under the Act that they display either a BBO or a quotation montage for all subject securities for which they provide quotation information.²

The amendment defines the BBO as the highest bid and lowest offer for an Eligible Security furnished to the Plan processor for public dissemination by any Plan participant. In this connection, the amendment states that if two or more bids or offers at the same price are received, the BBO shall be determined on the basis of size, and, as between bids or offers at the same price and size, on the basis of time received.

II. Request for Comment

In order to assist the Commission in determining whether to approve the proposed amendment, interested persons are invited to submit their views and comments on the proposal to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before July 10, 1981. The amendment to the Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. 4-281.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18308 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17862; File No. SR-Amex-81-9]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Membership and Association With Members and Member Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given

¹ See Securities Exchange Release No. 16924 (July 24, 1980) 45 FR 44922.

² The Commission deferred the effective date of the provisions of Rule 11Ac1-2 applicable to quotation information vendors from October 5, 1980 to January 3, 1981 and again from January 3, 1980 to September 1, 1981, "to permit the CQ Plan participants and the Securities Industry Automation Corporation ("SIAC"), as CQ Plan processor, the time necessary to complete development and implementation of a BBO Central Processor." Securities Exchange Release No. 17368 (December 11, 1980), 45 FR 83477.

that on April 27, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to several provisions of the Exchange Constitution and rules to delete the requirement that a member be "actively engaged" in the business of his member organization and the requirement that a majority of directors of a member corporation be members or allied members. Amendments are also proposed to the Constitution and rules which would establish standards providing that Exchange determinations regarding membership and member organization financial matters shall be based upon the requirements of federal securities laws, the Exchange Constitution and rules, and the member organization's financial and operational capacity.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is intended to ease or eliminate a number of restrictions on membership and association with members and member organizations in order to conform Exchange membership rules to the competitive and other standards established by the Securities Acts Amendments of 1975.

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of

Sections 6(b)(2), 6(b)(5) and 6(b)(8) of the Act in particular in that the amendments are designed to broaden opportunities for qualified persons to become members or associated with members and member organizations, remove impediments to membership and thus to free and open market, and remove burdens on competition.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule change will impose no burden on competition. On the contrary, the Exchange believes that the proposed rule change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange consents to an extension of the time period for Commission consideration of the proposed amendments, as specified in Section 19(b)(2) of the Act, until thirty-five days after it files an amendment to this Form specifically notifying the Commission that the regular members of the Exchange have voted on and approved the Constitutional amendment.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file

number in the caption above and should be submitted on or before July 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

June 15, 1981.

[FR Doc. 81-18203 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17862; File No. SR-Amex-77-5]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Membership and Association With Members and Member Organizations

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on June 1, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of amendments to the Exchange Constitution and Rules relating to membership and association with members and member organizations.¹

A provision of the Exchange Constitution is proposed to be amended to delete the requirement that a member be "actively engaged" in the business of his member organization.

All member organizations would be required to maintain a domestic principal place of business by the elimination of the proposed "grandfather" provision for previously admitted Canadian member organizations. Special requirements for Canadian member organizations would therefore no longer be necessary and would be deleted.

One existing Canadian domiciled Exchange member organization—Transatlantic Securities Company—would be affected by the proposed amendments. Compliance with the new provisions would require Transatlantic to substantially alter the manner in which their business is conducted. The Exchange would grant Transatlantic a "grandfather" exemption to allow them

¹ The full text of the amendment is contained in Exhibit A.

to retain Canada as their place of domicile.

The proposed definition of "engaged in a securities or kindred business" in the Rules of the Exchange would be amended to delete the reference to investment advisors. Thus, investment advisory affiliates of member organizations would no longer be required to be "approved persons" of the Exchange.

Several rule provisions would be redesignated and amended to provide that Exchange determinations regarding membership and approval of a member organization's financial matters shall be based upon the requirements of federal securities laws, the Exchange Constitution and rules, and the member organization's financial and operational capability.

Commentary would be added to Rule 310 to provide an alternate means for compliance by foreign-situated approved persons with the Exchange's examination of books and records requirement (proposed Rule 310(c)) by permitting on-site inspection of books and records for foreign-situated approved persons to be conducted by independent professionals where on-site inspection by the Exchange would be contrary to local law or custom. An appropriate governmental official or an enrolled attorney or counsellor at law of the country of domicile of the approved person would have to provide an attestation that such inspection would be contrary to law or generally accepted business practice before the alternate examination procedure would be permitted to be utilized.

Proposed Rule 312(c) would be redesignated Rule 310(c) and revised to clarify that submission of lists of certain stockholders and control persons are required only in connection with an application for membership.

Proposed amendments and commentary to Rule 365 regarding participation in specialist and registered trader joint-accounts would be withdrawn.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in

Sections (A), (B) and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is intended to ease or eliminate a number of long-standing restrictions on membership and association with members and member organizations in order to conform Exchange membership rules to the competitive and other standards established by the Securities Acts Amendments of 1975.

The proposed rule change is consistent with Section 6(b) of the Act in general and furthers the objectives of Sections 6(b)(2), 6(b)(5), and 6(b)(8) of the Act in particular in that the amendments are designed to broaden opportunities for qualified persons to become members or associated with members and member organizations, remove impediments to membership and thus to a free and open market, and remove burdens on competition. The proposed alternate procedure for on-site examination of the books and records of foreign-situated approved persons is consistent with Section 6(b)(1) of the Act and will permit the Exchange to fulfill its responsibility to enforce compliance by persons associated with members with the Act, the rules and regulations thereunder and the rules of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule change will impose no burden on competition. On the contrary, the Exchange believes that the proposed rule change will enhance competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange consents to an extension of the time period for Commission consideration of the proposed amendments, as specified in Section 19(b)(2) of the Act, until thirty-five days after it files an amendment to this Form specifically notifying the Commission that the regular members of the Exchange have voted on and

approved the Constitutional amendments.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552 will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 15, 1981.

George A. Fitzsimmons,
Secretary.

Exhibit A—American Stock Exchange, Inc.

Amendments to the Exchange Constitution and Rules*

1. Article I, Section 3(c) is amended to read as follows: Allied member.

(c) The term "allied member" means:

(1) a general partner in a regular, options principal or associate member firm or an employee who controls such member firm who is not a regular, options principal or associate member of the Exchange; or

(2) an employee of a regular, options principal or associate member corporation who is [actively engaged in its business and devotes the major portion of his time thereto (unless he is in active government service or his health does not permit)] who is not a regular, options principal or associate member of the Exchange, and who is either:

[(i) a director and a holder of record and beneficial owner of voting stock of such corporation, or]

[(ii)] (i) a principal executive officer [and a holder of record and beneficial owner of voting stock] of such corporation, or

[(iii)] (ii) a [holder of record and beneficial owner of 5% or more of the outstanding voting stock of] person who controls such corporation; [or]

[(3) an employee of an associate member corporation who is a director or principal executive officer of such associate member corporation and is not an associate member of the Exchange;] and who in each case has become an allied member as provided in Article IV.

2. Article I, Section 3(g) is amended to read as follows: Approved Person.

(g) The term "approved person" means a [party] person who is [neither an employee of] not a regular, options principal, [or] associate [member organization] or allied member [N] or an [regular, options principal, associate or allied] employee of a member [of the Exchange, but who is either a director of a regular, options principal or associate member corporation or who, directly or indirectly, controls, is controlled by or is under common control with, a regular, options principal or associate member corporation, and has become an approved person as provided in Article IV.] organization who has become an approved person as provided in the rules of the Exchange and who is:

(1) a person who controls a member, member firm or member corporation,

(2) a person engaged in a securities or kindred business who is controlled by or under common control with a member, member firm or member corporation. The terms "control", "person" and "engaged in a securities or kindred business" as used herein shall be defined in the rules of the Exchange, or

(3) a person who is the owner of a membership held subject to a special transfer agreement.

3. Article IV, Sections 2(l) and (m) are redesignated as Sections (j) and (k), and Section (k) as so redesignated is amended to read as follows: Location.

[m] (k) Every member firm shall be a partnership and every member corporation shall be a corporation created or organized under the laws of, and shall maintain its principal place of business in, the United States [or Canada,] or any State [or Province] thereof.

4. A new paragraph 16 of "Definitions" is added as follows: "Engaged in a Securities or Kindred Business".

16. The term "engaged in a securities or kindred business" shall mean transacting business generally as a

* Note.—Italics indicate material to be added and [brackets] indicate material to be removed.

broker or dealer in securities, including but not limited to, servicing customer accounts or introducing them to another person.

5. Rules 310(c), (d) and (e) are redesignated as Rules 310(a), (b) and (d) respectively and, as redesignated, Rules 310(a) and 310(d) are amended to read as follows: Notice to Exchange.

[(c)] (a) [A regular, options principal or associate member] Any person who [intends] proposes to [organize] form a member organization, or who [intends] proposes to become a [stockholder or partner] member or allied member in an [member] organization [or a director or executive officer of an associate member corporation or in a corporation or firm for which application is made for approval as a member organization, or who intends to admit any party in a member organization as a member or an approved person or a limited partner or any other party approval of whom is required by paragraph (a) or (b) of this Rule], and any member organization which proposes to admit therein any member, allied member or approved person shall notify the Exchange in writing before any such [action is taken,] formation or admission, and shall submit such information [in connection therewith] as may be required by the rules of the Exchange.

Procedure for approval of [non-member directors and] approved person[s].

[(e)] (d) Any person who [is a director of a member corporation but not a member, and any party who owns beneficially 5% or more of the outstanding voting stock of a member corporation] controls a member or member organization, or who engages in a securities or kindred business and is controlled by or under common control with a member or member organization but is not [a] an employee of a member organization or a member or allied member shall apply for approval by the Exchange as an approved person [of such member corporation] by furnishing the Exchange with such information with respect to such applicant, its [or his] history and business, its stockholders, officers, partners and directors, any [parent of] person controlling of such applicant, and such other information as the rules of the Exchange may [from time to time] require. Each applicant shall agree [in writing with the Exchange]:

(i) to supply the Exchange with information with respect to such applicant's relationship and dealings with the member or member organization with which it is associated as the Exchange may reasonably require to ascertain whether the

applicant is in compliance with applicable provisions of Federal Securities Laws, the rules and regulations thereunder, and the rules of the Exchange; and

(ii) to supply the Exchange with information relating to the existence of any statutory disqualification to which the applicant or any person associated with the applicant may be subject, as defined in the Securities Exchange Act of 1934; and

(iii) to abide by such provisions of the Constitution and rules of the Exchange relating to approved persons as shall from time to time be in effect; and

(iv) to permit examinations by the Exchange, or any person designated by it, at any time or from time to time, of its books and records to verify the accuracy of the information required to be supplied herein and by the rules of the Exchange.

6. A new Rule 310(c) is added as follows: Lists to be submitted to the Exchange.

(c) In the case of existing corporations making application to become member corporations, there shall be submitted to the Exchange:

(1) A certified list of all holders of record of each class of stock, giving the name and address of the holder and the number of shares of each class of such stock held;

(2) A certified list of all persons who are to become members, directors or approved persons; and

(3) A certified list of all persons designated as principal executive officers of the corporation.

In case of corporations proposed to be organized, similar information shall be submitted to the Exchange.

7. Rule 310 is further amended by adding Commentary .01 as follows: . . . Commentary.

(.01) Notwithstanding the provisions of Rule 310(d) (iv), no applicant to become an approved person (the "applicant") or approved person which is domiciled outside the United States shall be required to permit examination by the Exchange, or any person designated by it, of the applicant's or approved person's books and records, at its place of domicile, to verify the accuracy of information required to be supplied by the rules of the Exchange whenever such examination would, in the opinion of the independent person or government official (as hereinafter specified,) be contrary to the law to which the applicant or approved person is subject in its place of domicile or contrary to generally accepted custom or business practice of such place. Whenever an applicant or an approved person chooses to invoke the provisions

of the preceding sentence of this paragraph, the applicant or approved person shall, at its expense, submit to the Exchange a written certification acceptable to the Exchange by a person deemed independent of the applicant or approved person and of its associated member organization, which person is recognized as an enrolled attorney or counselor at law in such place of domicile (the "independent person") or an appropriate governmental official of the place of domicile stating that the examination of the books and records of the applicant or approved person by the Exchange or any person designated by it at its place of domicile would be contrary to the law to which the applicant or approved person is subject in its place of domicile or contrary to generally accepted custom or business practice of such place. Whenever and so long as an approved person chooses to invoke the provisions of the first sentence of this paragraph, the approved person shall, at its expense, submit to the Exchange, not less frequently than annually and upon specific request by the Exchange, a written certification acceptable to the Exchange by an independent person or a person deemed independent of the applicant or approved person and its associated member organization which person is recognized in the place of domicile of the applicant or approved person as an auditor stating that upon reasonable examination conducted by the said person in accordance with generally accepted practices and principles prevalent in the approved person's place of domicile,

(i) in respect of any appropriately designated omnibus account carried by the associated member organization for the account of the approved person but not for its benefit, said independent person has no reason to believe that any of the persons on whose behalf and for whose benefit any transaction was effected therein was a person associated with the approved person or its associated member organization within the meaning of the Securities Exchange Act of 1934 as amended (the "Act"), or the rules thereunder, and (ii) in respect of any account carried by the associated member organization in the name and for the account and benefit of the approved person, which account reflects transactions effected in reliance on Section 11(a)(1)(G) of the Act, the rules thereunder and, in particular, Rule 11a1-2 thereunder, the approved person, during its preceding fiscal year, derived more than fifty percent of its gross revenues from one or more of the

sources specified in Section 11(a)(a)(G)(i) of the Act.

8. Rule 312(c) is deleted in its entirety as follows: [Solicitation of proxies.

(c) Each member corporation which has any freely transferable security outstanding shall, prior to each annual or other meeting of the holders of such securities, solicit proxies, consents or authorizations in respect thereof, and in connection with such solicitation shall transmit to the Exchange and to all holders of record of such securities information substantially equivalent to the information required to be transmitted pursuant to a solicitation of proxies subject to Section 14(a) of the Securities Exchange Act of 1934, as amended, and the rules thereunder.]

9. Rule 312(h) is redesignated 312(e) and amended to read as follows: Issuance of stock or bonds.

(h) (e) A member corporation shall not issue any [shares of any class of its] stock [without the prior written approval of the Exchange, or transfer any such shares (other than any share which is a freely transferable security) without such approval. A member corporation shall not issue any bonds, notes or other instruments evidencing funded indebtedness of the corporation without the prior written approval of the Exchange] except for cash or such other consideration which the Exchange determines will not impair the financial responsibility or operational capability of such corporation.

(ii) A member corporation shall not issue any bonds, notes or instruments evidencing funded indebtedness of the corporation except pursuant to the terms and provisions of such security or of any agreement between the member corporation and the holder of the security, which agreement has been previously filed with, and approved by, the Exchange. The Exchange will approve any such agreement unless it determines that such action will impair the financial responsibility or operational capability of the member corporation.

10. Commentary .20(3)-(5) to Rule 319 is removed as follows: [.20 Special requirements for Canadian member organizations.

(3) The following must be held in the United States:

(a) All securities carried for the accounts of U.S. customers;

(b) Sufficient other assets to equal at least 105% of all other liabilities to U.S. customers and non-customer creditors. In determining the amount of additional assets required to be held in the U.S., consideration must be given to the

percentage allowance, if any, accorded such assets under Rule 470.

(4) The member organization must enter into an agreement with the Exchange providing that Section 3(e) of the United States Securities Exchange Act of 1934, as amended, and the rules thereunder, shall be deemed applicable to any hypothecation of securities carried for the account of any customer, whether or not a U.S. customer, and that the member organization will comply therewith in connection with any such hypothecation.

(5) If the member organization does not register with the Securities and Exchange Commission, it must execute a "consent to service" in a form acceptable to the Exchange, designating an acceptable U.S. corporation engaged in such business to be its agent for accepting service of legal documents. See Exhibit VI.]

11. Rule 365 is amended to read as follows: Rule 365. No member [firm] or member [corporation] organization may participate in the profits or losses of a specialist joint account, the transactions of which the [firm or corporation] organization clears, unless a general partner of the firm or voting stockholder of the corporation is registered and active at the post as a specialist in such joint account.

[FR Doc. 81-18204 Filed 6-18-81; 8:45am]

BILLING CODE 8010-01-M

[Release No. 34-17860; File No. SR-CBOE-81-9]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc. Relating to Petitions for Special Meetings

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 3, 1981, the Chicago Board Options Exchange, Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Text of the Proposed Rule Change

The addition to the Exchange's constitution is italicized.

Article III

Section 3.4. Special meetings of members, for any purpose or purposes, unless otherwise prescribed by statute or by the Certificate of Incorporation, may be called by the Chairman of the

Board, the Chairman of the Executive Committee, or the Board of Directors and shall be called by the Secretary at the request in writing of 150 voting members, provided that such request shall state the purpose or purposes of the proposed meeting and the day and hour at which such meeting shall be held.

II.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed change in the CBOE's constitution provides that only voting members can sign a petition to call a special meeting of the membership. At present any member, even if he cannot vote, can sign such a petition. Members who cannot vote fall into the following categories: (1) a lessor or a lessee whose lease agreement provides that the other party (either lessor or lessee) has the vote and (2) member organizations with effective nominees. Requiring that a member be able to vote at a special meeting before he can participate in calling such a meeting is a fair procedure that will contribute to the efficient administration of the Exchange. Therefore, the proposed rule change is consistent with section 6(b)(5) of the Securities Exchange Act of 1934 (the Act), its statutory basis.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments from members, participants or others were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 10, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

June 12, 1981.

[FR Doc. 81-18202 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17861; File No. SR-PSE-81-10]

Self-Regulatory Organization; Proposed Rule Change by the Pacific Stock Exchange Inc. Relating to Resolution of Uncompared Options Transactions

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on May 19, 1981, The Pacific Stock Exchange Incorporated filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change modifies Rule VI, Section 27, to delete language which requires both parties to an uncompared options transaction to effect new transactions in order to file

claims and establish damages. Rule VI, Section 27, as amended, is set forth below. Italics indicate additions; brackets indicate deletions.

Sec. 27. When a disagreement between member organizations or between member organizations and Order Book Officials, arising from an uncompared Exchange options transaction cannot be resolved by mutual agreement prior to [7:00 a.m.] 6:45 a.m. on the first business day following the trade date, [the parties] any party with a claim shall promptly, but not later than 12:30 p.m. on such day (unless otherwise excused by an Options Floor Official) enter into a new [close out the] transaction to establish a claim for damages. [in the following manner. The Order Book Official or member organization representing the purchaser in the uncompared Exchange option transaction shall promptly arrange for the entry into a new Exchange option transaction on the Floor of the Exchange to purchase the option contract that was the subject of the uncompared Exchange options transaction. The Order Book Official or member organization representing the writer in the uncompared Exchange options transaction shall promptly arrange for the entry into a new Exchange option transaction on the Options Trading Floor of the Exchange to sell (write) the option contract that was the subject of the uncompared option transaction.] Any claims [for damages] resulting from such transactions must be made promptly against or for the accounts of the Order Book Official or member organization(s) involved and not for the accounts of their respective customers. [Notwithstanding the foregoing, if either member organization is acting for a firm account in an uncompared Exchange option transaction and not for the account of a customer, such member organization need not enter into a new transaction, in which event money differences will be based solely on the closing transaction of the other party to the uncompared transaction.]

In the event an uncompared transaction involves an option contract of a series in which trading has been terminated or suspended before a new Exchange option transaction can be effected to establish the amount of any loss, the Order Book Official or member organization not at fault may claim damages against the other party involved in the transaction based on the terms of such transaction. All such claims [for damages] shall be made promptly but in no event shall such claim be made after the close of trading

on the first business day following the uncompared transaction in question.

Commentary

.01 In order to ensure that trades can be resolved by 6:45 a.m. on the first business day following the trade date, member organizations are required to have an authorized representative of such organization available to resolve uncompared trades no later than 6:15 a.m. on said business day following the trade date.

.02 The Exchange may, at its discretion, remove from record any transactions that have, in error, been matched but which are actually uncompared transactions.

II

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.

The proposed rule change deletes language which requires both parties to an uncompared options transaction to effect new transactions in order to file claims and establish damages. As a result of the deletion, only the party who intends to file a claim is required to enter into a new transaction. A party who does not intend to file a claim is relieved of the obligation to enter into a new transaction. The proposed rule change incorporates two new Commentaries which provide that member organizations must have an authorized representative of such organization available to resolve uncompared trades at 6:15 a.m. on the business day following the trade date on which the uncompared trade took place. The Exchange is also authorized to remove from its permanent record any transactions that have, in error, been matched but which are actually uncompared trades.

The proposed rule change is consistent with Section 6(b) of the Securities Exchange Act of 1934, in general, and furthers the objectives of Section 6(b)(5) of the Act, in particular, in that it fosters cooperation and coordination with persons engaged in settling and processing information with respect to transactions in securities.

(B) Self-Regulatory Organization's Statement on Burden on Competition.

The proposed rule change imposes no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Received from Members, Participants, or Others.

Comments on the proposed rule change were neither solicited nor received.

III Date of Effectiveness of the Proposed Rule change and Timing for Commission Action

On or before July 24, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding; or (ii) as to which the self-regulatory organization consents, the Commission will:

- (A) by order approve such proposed rule change; or
- (B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned, self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before July 10, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

June 12, 1981.

[FR Doc. 81-18206 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11817; (811-2489)]

Scudder Managed Reserves, Inc.; Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring Applicant Has Ceased To Be an Investment Company

June 12, 1981.

Notice is hereby given that Scudder Managed Reserves, Inc. ("Applicant"), 175 Federal Street, Boston, Massachusetts 02110, a Maryland

corporation registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management investment company, filed an application on April 29, 1981, for an order of the Commission, pursuant to Section 8(f) of the Act, declaring that Applicant has ceased to be an investment company as defined by the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that on December 9, 1980, at a meeting of shareholders, holders of more than two-thirds of the issued and outstanding shares of common stock of Applicant approved an Agreement and Plan of Reorganization, which provided that Applicant would transfer all of its assets, subject to liabilities, to Scudder Cash Investment Trust ("SCIT") in exchange for shares of beneficial interest in SCIT. The application further states that on December 12, 1980, pursuant to this Agreement, Applicant received 389,206,907.850 shares of SCIT, each share having a net asset value of \$1, had a net value of \$389,206,980.79. Applicant states that the discrepancy of \$72.94 between the aggregate net asset value of the SCIT shares and the net value of the assets of the Applicant, which Applicant deems immaterial, results from "breakage" in the calculation process.

The application states that the SCIT shares received by Applicant have been distributed to the Applicant's shareholders in proportion to their ownership of Applicant's shares. No shareholders who held shares in the Applicant in certificated form will receive certificates, dividends or other distributions with respect to their SCIT shares (although such dividends and distributions shall be credited to the accounts of such shareholders) or be permitted to pledge or redeem their SCIT shares until the certificates for the Applicant's shares have been surrendered.

The application states that on December 31, 1980, Applicant filed Articles of Dissolution with the State of Maryland and that, under Maryland law, the existence of the corporation has ceased except for such purposes as are necessary to close its affairs. Finally, it is asserted that Applicant is not now engaged, and does not propose to engage, in any business activities other than those necessary for the winding up of its affairs.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds

that a registered investment company has ceased to be an investment company, it shall so declare by order, and that, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than July 7, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-18205 Filed 6-18-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 16,
Amendment 1]

Delegation of Authority to the Associate Administrator for Minority Small Business and Capital Ownership Development

Delegations of Authority No. 16 (44 FR 20530) and No. 16-A (44 FR 23145) as amended (44 FR 29188, 44 FR 67004), are hereby amended to extend the Section 8(a)(1)(B) Contracting Authority contained therein and additionally to correct the title of Delegation of Authority No. 16.

Accordingly, Delegations of Authority No. 16 and No. 16-A are amended as follows:

1. Corrected Delegation of Authority No. 16 title is: Delegation of Authority to the Associate Administrator for Minority Small Business and Capital Ownership Development

2. I. * * *

B. 8(a)(1)(B) Contracting Authority
(This is a pilot program and the authority therefor expires on September 30, 1981)

Effective Date: October 21, 1980.

Dated: June 15, 1981.

Michael Cardenas,
Administrator.

[FR Doc. 81-18302 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0434]

Faulkner Investment Co.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1980)), by Faulkner Investment Company (Applicant), 870 Seventh Avenue, New York, New York 10019, for a license to operate as a limited partnership small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act) (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The formation and licensing of a limited partnership SBIC is subject to the provisions of § 107.4 of the Regulations. The application provides for two individual general partners. There will be one limited partner.

The initial investors and their percent of ownership of the Applicant are as follows:

Theodore L. Cross, 233 Carter Road, Princeton, New Jersey 08540 (Individual General Partner), \$310,000

Mary S. Cross, 233 Carter Road, Princeton, New Jersey 08540 (Individual General Partner), \$75,000

Theodore L. Cross and Kent M. Hertzfield 43 Sunset Avenue, Amherst, Massachusetts 01002 as Trustees for Amanda B. Cross, Wauwinet Road, Nantucket, Massachusetts 02554 and Lisa W. Cross, 240 E. 76th Street, New York, New York 10021 (Limited Partner), \$125,000

The Applicant proposes to commence operations with a partnership capital of \$510,000. The Applicant anticipates it will primarily provide equity capital and

long term loans. The Applicant will have an investment adviser.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed officers, directors, and shareholders of the corporate general partner, as well as the limited partners of the Applicant, and the probability of successful operation of the Applicant, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communication should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in New York, New York.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 9, 1981.

Peter F. McNeish,
Acting Associate Administrator for Investment.

[FR Doc. 81-18303 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 09/09/-5285]

LaiLai Capital Corp.; Application for License To Operate as a Small Business Investment Company

An Application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by the LaiLai Capital Corporation (Applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the Applicant are as follows:

Hsing-Jong (Gerald) Duan, 2239 South Langspur Drive, Hacienda Heights, California 91745, President, Director, General Manager, 28.5% Stockholder

May-Mung (May) Hung Duan, 2239 South Langspur Drive, Hacienda Heights, California 91745, Vice President, Assistant Treasurer, Director

Trang-Ming (Timothy) Hung, 2223 South Langspur Drive, Hacienda Heights, California 91745, Secretary, Director, 14.3% Stockholder

Trang-Chong (Charles) Hung, 2227 South Langspur Drive, Hacienda Heights, California 91745, Treasurer, Chief Financial Officer, 28.5% Stockholder

Tzong-Nan (Thomas) Lin, 4492 Leatherwood Court, Concord, California 94521, Director, 7.2% Stockholder

Seven additional stockholders none owning 10% or more, 21.5% Stockholder

The Applicant, a California corporation, with its principal place of business at 400 South Atlantic Boulevard, Suite 308, Monterey Park, California 91754, will begin operations with \$700,000 of paid-in capital and paid-in surplus from the sale of 7,100 shares of common stock.

The Applicant will conduct its activities principally in the State of California.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the Applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Associate Administrator for Investment, 1441 L Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in the newspaper of general circulation in Monterey Park, California.

(Catalog of Federal Domestic Assistance Program No. 59.011 Small Business Investment Companies).

Dated: April 8, 1981.

Peter F. McNeish,
Acting Associate Administrator for
Investment.

[FR Doc. 81-18304 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

**Metropolitan Venture Co., Inc.;
Application for a License To Operate
as a Small Business Investment
Company**

[Proposed License No. 09/09-0293]

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102(1981)), under the name of Metropolitan Venture Company, Inc., 8200 Wilshire Boulevard, Suite 314, Beverly Hills, California 90211, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 611 *et seq.*), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and principal stockholders are:

Name, Title and Ownership

Alan E. Rosenberg, 42 Seventh Avenue, San Francisco, Ca. 94118, President, and Director—

Randolph J. Lowy, 401 S. McCadden Place, Los Angeles, Ca. 90020, Chairman, Executive Vice President, Secretary and Treasurer, '31.87 percent

¹ Such ownership is indirect. All of the shares to be issued by the applicant are to be held of record by the general partnership, Metropolitan Venture Associates, in which Lesny Financial Corporation, a California corporation, owns a 50 percent interest. Of the outstanding capital stock of Lesny Financial Corporation, 50 percent is owned by Rudolph J. Lowy and 50 percent by Lesny Development Co., a California corporation. In Lesny Development Co., Rudolph J. Lowy owns 55 percent of the common stock, Allan N. Lowy owns 45 percent of the common stock and Marcus Lowy owns 100 percent of the preferred stock with slightly more than 50 percent of the voting power of the stock of the corporation. UFC Capital Corporation, a California

Don Sarno, 9800 S. Sepulveda Blvd., Los Angeles, Ca. 90045, Vice President, Assistant Secretary and Director
John Goeglin, 9800 S. Sepulveda Blvd., Los Angeles, Ca. 90045, Vice President, Assistant Secretary and Director
Marcus L. Lowy, 141 S. Mansfield Avenue, Los Angeles, Ca. 90036, Vice President, Assistant Secretary and Director, '12.5 percent

Allan N. Lowy, 150 South June Street, Los Angeles, Ca. 90004, Vice President, Assistant Secretary and Director, '5.62 percent

MVC Management Company, 8200 Wilshire Boulevard, Suite 400, Beverly Hills, Ca. 90211, Investment Advisor/Manager
Metropolitan Venture Associates, 8200 Wilshire Boulevard, Suite 400, Beverly Hills, Ca. 90211, 100 percent

Lesny Financial Corporation, 8200 Wilshire Boulevard, Suite 400, Beverly Hills, Ca. 90211, '50 percent

Lesny Development Co., 8200 Wilshire Boulevard, Suite 400, Beverly Hills, Ca. 90211, '33 percent

UFC Capital Corporation, 700 Market Street, San Francisco, Ca. 94102, '50 percent
United Financial Corporation, 700 Market Street, San Francisco, Ca. 94102, '50 percent

NHC Corporation, 2800 Grant Building,

Pittsburgh, Pa. 15219, '50 percent

National Steel Company, 2800 Grant Building, Pittsburgh, Pa. 15219.

Matters involved in SBA's consideration of the application include the general business reputation of the owner and management, and the probability of successful operations of

corporation, owns the other 50 percent interest in Metropolitan Venture Associates. UFC Capital Corporation is wholly owned by United Financial Corporation, a California corporation, which in turn is wholly owned by NHC Corporation, a Delaware corporation. NHC Corporation is wholly owned by National Steel Company, large publicly held corporation organized in Delaware. There are no owners of ten percent or more of the voting securities of National Steel Company. Metropolitan Venture Associates is a California General Partnership organized solely to organize and capitalize the applicant of which will begin operations with an initial capitalization of \$1,200,000. No concentration in any particular industry is planned. The Applicant intends to conduct its operations principally in the State of California.

the new company, in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than July 6, 1981, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Acting Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: June 11, 1981.

Peter F. McNeish,

Acting Associate Administrator for
Investment.

[FR Doc. 81-18305 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

**[Declaration of Disaster Loan Area No.
1991]**

**Texas; Declaration of Disaster Loan
Area**

Lamar County and adjacent counties within the State of Texas constitute a disaster areas as a result of damage caused by a tornado which occurred on May 13, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 14, 1981, and for economic injury until the close of business on March 12, 1982, at:

SMALL BUSINESS ADMINISTRATION,
District Office, 1100 Commerce Street,
Room 3C 36, Dallas, Texas 75242

or other locally announced locations.

For recent changes in disaster loan eligibility see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 12, 1981.

Michael Cardenas,

Administrator.

[FR Doc. 81-18306 Filed 6-18-81; 8:45 am]

BILLING CODE 8025-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 118

Friday, June 19, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (eastern time), Tuesday, June 23, 1981.

PLACE: Commission Conference Room, 5240, fifth floor, Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED: Open to the public:

1. Freedom of Information Appeal No. 81-4-FOIA-20-In, concerning a request for information for two closed Title VII Files.
2. State and Local Program: Mid-Year Modifications to FY-80 Backlog and FY-81 New Charge Resolution Contracts
3. A report on Commission Operations by the Executive Director.

Closed to the public:

1. Litigation Authorization; General Counsel Recommendations.

Note—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Treva I. McCall, Executive Officer, Executive Secretariat, at (202)634-6748.

This Notice Issued June 18, 1981.

[S-049-81 Filed 6-17-81; 3:30 pm]

BILLING CODE 6570-06-M

2

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Tuesday, June 23, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Compliance. Litigation. Audits.

DATE AND TIME: Thursday, June 25, 1981 at 10 a.m.

PLACE: 1325 K Street, N.W., Washington, D.C. (fifth floor).

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings
Correction and approval of minutes
Certifications

Advisory opinions:

- Draft AO 1981-25—William E. Dannemeyer, Member of Congress
- Draft AO 1981-26—Charles E. Bennett, Member of Congress

Pending legislation
Appropriations and budget
Classification actions
Routine administrative matters

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-047-81 Filed 6-16-81; 4:38 p.m.]

BILLING CODE 6715-01-M

3

FEDERAL ELECTION COMMISSION.

[FR No. 908]

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, June 18, 1981 at 10 a.m.

CHANGE IN MEETING: It has been decided that an Executive Session will be held immediately following the open meeting for the purpose of discussing Litigation matters.

PERSON TO CONTACT FOR INFORMATION:

Mr. Fred S. Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-051-81 Filed 6-17-81; 3:55 pm]

BILLING CODE 6715-01-M

4

NATIONAL TRANSPORTATION SAFETY BOARD.

[NM-81-22]

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 31549, June 16, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9 a.m., Tuesday, June 23, 1981.

CHANGE IN MEETING: A majority of the Board has determined by recorded vote that the business of the Board requires revising the agenda of this meeting and that no earlier announcement was possible. The agenda as now revised is set forth below.

STATUS: Open

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Disappearance of U.S. Freighter SS *Poet* in the North Atlantic Ocean about October 25, 1980, and *Recommendations* to the Federal Communications Commission; the U.S. Coast Guard; the U.S. Maritime Administration; the American Bureau of Shipping; the Hawaiian Eugenia Corp., and International Ship Management and Agency Services; the Radio Officers Union; the National Aeronautics and Space Administration; and the National Cargo Bureau, Inc.

2. *Marine Accident Report:* U.S. Tug *Sentinel*, Loss of Tow and Resultant Grounding of Barges *Kona* and *Agattu*, Gulf of Farallones, Pacific Ocean, December 31, 1979, and *Recommendations* to the National Oceanic and Atmospheric Administration and to the National Weather Service.

3. *Recommendation* to the Federal Aviation Administration regarding takeoff and landing minimums and associated visibility observations.

CONTACT PERSON FOR MORE INFORMATION:

Sharon Flemming 202-382-6525.

June 17, 1981.

[S-050-81 Filed 6-17-81; 3:40 pm]

BILLING CODE 4910-58-M

5

PAROLE COMMISSION.

National Commissioners (the Commissioners presently maintaining offices at Bethesda, Maryland, Headquarters)

[1P0401]

TIME AND DATE: 9:30 a.m., Wednesday, June 24, 1981.

PLACE: Room 420-F, One North Park Building, 5550 Friendship Boulevard, Bethesda, Maryland 20015.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

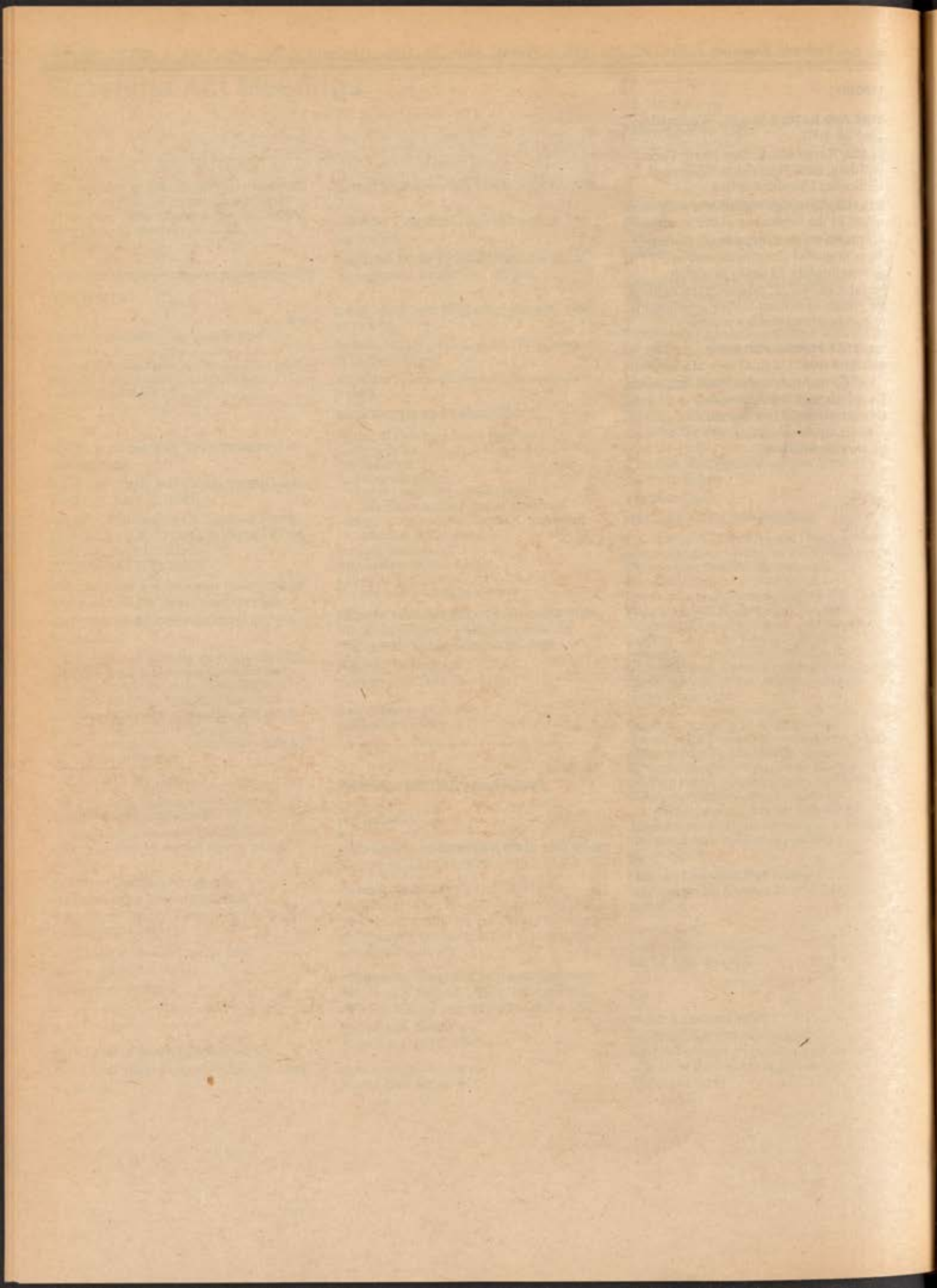
MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 12 cases in which inmates of federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE

INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5926.

[S-948-81 Filed 6-17-81; 11:51 am]

BILLING CODE 4410-01-M



federal register

**Friday
June 19, 1981**

Part II

Department of Labor

**Employment Standards Administration,
Wage and Hour Division**

**Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions**

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because they necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of

publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas
Decisions to General Wage
Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the Federal Register without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is

encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions
NoneModifications to General Wage
Determination Decisions

The numbers of the decision being modified and their dates of publication in the Federal Register are listed with each State.

Arizona: A281-5124	June 29, 1981.
Delaware: DE81-3026	May 8, 1981.
Idaho: ID81-5125	June 5, 1981.
Illinois:	
IL79-2062	July 6, 1979.
IL81-2003	Feb. 27, 1981.
Indiana: IL79-2062	July 6, 1979.
Louisiana:	
LA81-4002	Jan. 6, 1981.
LA81-4024	May 1, 1981.
LA81-4027	May 1, 1981.
Maine: ME80-2069	Aug. 15, 1980.
Michigan: IL79-2062	July 6, 1979.
Minnesota: IL79-2062	July 6, 1979.
Nevada:	
NV81-5104	Feb. 20, 1981.
NV81-5111	May 1, 1981.
New Mexico:	
NM81-4023	Apr. 10, 1981.
NM80-4101	Dec. 19, 1980.
New York:	
IL79-2062	July 6, 1979.
NY81-3030	May 1, 1981.
Ohio: IL79-2062	July 6, 1979.
Pennsylvania:	
IL79-2062	July 6, 1979.
PA80-3029	Apr. 25, 1980.
PA80-3025	Apr. 11, 1980.
PA80-3038	May 23, 1980.
PA80-3043	July 17, 1980.
PA80-3056	Sept. 12, 1980.
PA80-3074	Dec. 12, 1980.
South Dakota: SD81-5121	May 22, 1981.
Tennessee:	
TN79-1146	Nov. 16, 1979.
TN80-1063	Mar. 21, 1980.
TN81-1202	May 1, 1981.
TN81-1203	May 1, 1981.
TN81-1204	May 8, 1981.
Texas:	
TX81-4005	Jan. 6, 1981.
TX81-4006	Jan. 6, 1981.
TX81-4032	May 8, 1981.
TX81-4038	June 5, 1981.
Wisconsin: IL79-2062	July 6, 1979.

Supersedeas Decisions to General Wage
Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the Federal Register are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Arkansas:

AR80-4079 (AR81-4041)..... Nov. 7, 1980.
AR80-4080 (AR81-4043)..... Oct. 31, 1980.
AR80-4081 (AR81-4039)..... Nov. 7, 1980.
AR80-4082 (AR81-4040)..... Nov. 7, 1980.
AR80-4083 (AR81-4042)..... Oct. 31, 1980.
Florida: FL76-1108 (FL81-12500)..... Oct. 1, 1978.

Illinois:

IL79-2052 (IL81-2027)..... Aug. 24, 1979.
IL79-2072 (IL81-2028)..... Sept. 7, 1979.

Minnesota: MN79-2060 (MN81-2029)..... May 26, 1978.

North Carolina: NC79-1154 (NC81-1249)..... Nov. 30, 1979.

Cancellation of General Wage Determination Decisions

None

Signed at Washington, D.C. this 12th day of June 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. ID81-5125 (Cont'd)

DECISION NO. ID81-5125 - Mod. #1

(46 FR-30750 - June 5, 1981)

Statewide, Idaho

Change:

Carpenters:

Area 1:

Carpenters working

burned, charred,

creosoted or

similarly treated

materials; Boom Man

Millwrights and

Machine Erectors

Piledriver (creosoted

material)

Laborers:

Area 2 - Zones 1 thru 3

See Attached

Line Construction:

Area 2:

Apprenticeship Training

ONLY

Sheet Metal Workers:

Area 1

Area 3

Omit:

Carpenters:

Area 1:

Floor Finisher; Floor

Layer; Floor Sander

Operator; Sawfiller;

Shinglers; Stationary

Power Saw Operators,

and Operators of

other stationary

power woodworking

tools; Piledrivermen

Add:

Carpenters:

Area 1:

Sawfiller; Stationary

Power woodworking

tool Operator;

Piledriver

LABORERS (Area 2)

GROUPS	ZONE 1	ZONE 2	ZONE 3
1	\$10.16	\$11.66	\$11.91
2	10.26	11.76	12.01
3	10.36	11.86	12.11
4	10.46	11.96	12.21
5	10.51	12.01	12.26
6	10.76	12.26	12.51
7	11.01	12.51	12.76
8	10.31	11.81	12.06
9	10.46	11.96	12.21
10	10.76	12.26	12.51

Fringe benefits:

Health and Welfare

Pensions

Vacation

Apprenticeship Training

\$1.025

1.69

.70

.175

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
		H & W	Pensions	Vacation	
	\$15.66	.96	\$1.20		.10
	15.91	.96	1.20		.10
	16.16	.96	1.20		.10
	16.06	.95	1.20		.10
					1/2 of 1st
	17.41	38+.83	1.70		.20
	14.58	1.48	1.21		.16
	14.19	.96	1.20		.10
	15.61	.96	1.20		.10

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
		H & W	Pensions	Vacation	
DECISION NO. IL79-2062 - MOD #4					
(44 FR 39904 - July 6, 1979)					
Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin					
Change:					
Chief Engineer	\$17.97	.73	.70	a	
Operator	17.83	.73	.70	a	
Assistant Engineers	17.22	.73	.70	a	
Cranemen & Welder					
Dipper & Hydraulic Dredging, Spill Barge Operator	17.08	.73	.70	a	

DECISION NO. IL81-2003 - MOD #1
(46 FR 14632 - February 27, 1981)
Cook County, Illinois

Change:
Asbestos Workers
Electricians
Ironworkers:
Structural and Reinforcing
Ornamental
Riggers and Machinery Movers
Metal Fence Erectors
Line Construction:
Linemen; Equipment Operators
Pipefitters; Steamfitters
Sprinkler Fitters
Tile Setters; Finishers

Add:
Line Construction:
Groundmen
Marble Setters' Finishers

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	M & W	Pensions	Vacation		
\$17.00	1.14%	1.64%			.06
17.05	7.62%	7.28%	.80		.53%
16.80	2.14	1.47			.10
13.95	.85	1.10%			.05
11.85	.75	2.22%	1.50		.15
10.57	.85	1.10%			.05
17.05	4.4%	6.50%	5.8%		.25%
17.00	1.07	1.70			.05
17.00	1.30	1.40			.15
12.10	.81	.77			
12.10	4.4%	6.50%	5.8%		.25%
13.10					

DECISION NO. LA81-4002 -
MOD. #5
(46 FR 1520 - January 6, 1981)
Allen, Beauregard, Bossier
Caddo, Calcasieu, Cameron,
Jefferson, Jefferson Davis,
Orleans, Plaquemines,
St. Bernard & St. Charles
Parishes, Louisiana

CHANGE:
Bricklayers & stonemasons:
Zone 3
Painters:
Zone 2 - Group 1
Group 2
Group 3
Plumbers & pipefitters:
Zone 3

DECISION NO. LA81-4024 -
MOD. #2
(46 FR 24820 - May 1, 1981)
Statewide Louisiana

CHANGE:
Bricklayers & stonemasons:
Zone 6
Painters:
Zone 3 - Group 1
Group 2
Group 3
Marble, tile & terrazzo
workers & finishers:
Zone 5:
Marble, tile & terrazzo
workers
plumbers & pipefitters:
Zone 5

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	M & W	Pensions	Vacation		
\$11.80	.70	.65			
10.875	.875	.70			.10
11.25	.875	.70			.10
12.475	.875	.70			.10
15.48	.92	1.00			.08
11.80	.70	.65			
10.875	.875	.70			.10
11.25	.875	.70			.10
12.475	.875	.70			.10
10.45	.70				
15.48	.92	1.00			.08

Modification Page 7

DECISION NO. LA81-4027 -

MOD. #1

46 FR 24834 - May 1, 1981
Bossier, Caddo & Calcasieu
Parishes, Louisiana

CHANGE:

Bricklayers & stonemasons:
Bossier & Caddo Pars.
Marble setters:
Bossier & Caddo Pars.
Plumbers & pipefitters:
Calcasieu Parish
Terrazzo workers:
Bossier & Caddo Pars.
Tile setters:
Bossier & Caddo Pars.

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacations		
\$11.80	.70	.65			
10.45	.70				
15.48	.92	1.00			.08
10.45	.70				
10.45	.70				
5.43					

DECISION NO. ME80-2069 -

MOD. #1

45 FR 54614 - August 15,
1980
Cumberland County, Maine

CHANGE:

LABORERS

Modification Page 8

DECISION NO. NY81-5104 - Mod. #1

46 FR 13481-February 20,
1981
Washoe County, Nevada

Change:
Cement Masons:
Lake Tahoe Area:
Cement Masons
Mastic, Magnesite and
and all composition
Masons
Troweling Machine:
Grinder Operator
and Kelly Float
Remainder of Washoe
County:
Cement Masons
Mastic, Magnesite and
all composition
Masons
Troweling Machine,
Grinder Operator and
Kelly Float

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$14.30	\$1.25	\$1.10	\$2.00		.10
14.55	1.25	1.10	2.00		.10
14.80	1.25	1.10	2.00		.10
12.55	1.25	1.10	2.00		.10
12.80	1.25	1.10	2.00		.10
13.05	1.25	1.10	2.00		.10

DECISION NO. NV81-4023 MOD. #3

46 FR 21572 - April 10, 1981

Statewide, New Mexico

CHANGE:

ELECTRICIANS-CABLE SPlicERS ZONE DEFINITIONS

DECISION NO. NV81-3111 - Mod. #1

(46 FR 24837 - May 1,

1981)

Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada

Change:

Cement Masons:

Area 2:

Cement Masons
Mastic, Magnesite and
all Composition
Masons

Troweling Machine:

Grinder Operator and
Kelly Float

Area 3:

Cement Masons
Mastic, Magnesite and
all Composition
Masons

Troweling Machine:

Grinder Operator and
Kelly Float

	Basic Monthly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
	\$12.55	\$1.25	\$1.10	\$2.00		.10
	12.80	1.25	1.10	2.00		.10
	13.05	1.25	1.10	2.00		.10
	14.30	1.25	1.10	2.00		.10
	14.55	1.25	1.10	2.00		.10
	14.80	1.25	1.10	2.00		.10

ZONE 1

Area 1 - Bernalillo, Santa Fe, Torrance, DeBaca, Guadalupe, Quay, San Miguel, Mora, Harding, Union, Colfax, Taos, Rio Arriba, Grant, Sandoval, Valencia, Socorro, Catron, McKinley, Sierra, San Juan, Chaves, Curry, Lincoln and Roosevelt Counties

Area 1-A - From nearest basing point cities, towns and mileage from main post office in the following towns:

Albuquerque - 15 miles from main post office

Santa Fe - 10 miles from main post office

Las Vegas - 8 miles from main post office

Parliament - 6 miles from main post office

Raton - 6 miles from main post office

Tucumari - 6 miles from main post office

Aztec - 6 miles from main post office

Roswell - 12 miles from main post office

Ruidoso - 12 miles from main post office

Portales - 12 miles from main post office

Carrizozo - 12 miles from main post office

Clovis - 12 miles from main post office

Gallup - 10 miles from main post office

*Pojoaque - 2 miles from main post office

*All areas adjacent to Pojoaque that are over two (2) miles distant from the main post office in that town will be zoned out of Santa Fe.

CHANGE:

	Basic Monthly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ELEVATOR CONSTRUCTORS: Bernalillo, Catron, Colfax, Curry, DeBaca, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Socorro, Taos, Torrance, Union and Valencia Cos.; Elevator constructors Elevator constructors Helpers	\$13.645 708JR	1.345 1.345	.95 .95	b+c b+c		.035 .035

DECISION NO. NM81-4023 -/Mod. # 3 (Cont'd)

COMMERCIAL LINE WORK

CHANGE:

Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia and White Sands Missile Range and that portion of Fort Bliss in New Mexico.

ZONE I

Cities and Towns Basing Points - Miles from Main Post Offices

Albuquerque 15 miles
Santa Fe - 10 miles
Las Vegas - 8 miles
Farmington - 6 miles
Raton - 6 miles
Tucumcari - 6 miles
Artes - 6 miles
Roswell - 12 miles
Ruidoso - 12 miles
Portales - 12 miles
Carlsboro - 12 miles

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.

ZONE II - Extending up to 20 miles beyond zone I

ZONE III - Extending up to 30 miles beyond zone I

ZONE IV - Anything beyond 30 miles from zone I

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
COMMERCIAL LINE WORK						
ZONE I						
Linemen - technicians	\$14.85	.60	38+.70			1/2
Cable splicers	16.34	.60	38+.70			1/2
Equipment Opr. (includes helicopter op.)	14.11	.60	38+.70			1/2
Equipment Mechanic (includes Helicopter mechanic)	12.92	.60	38+.70			1/2
Powderman	12.92	.60	38+.70			1/2
Groundman & Jackhammer Oprs.	10.54	.60	38+.70			1/2

DECISION NO. NM81-4023 MOD. # 3 (Cont'd)

	Basic Hourly Rates	H & W	Fringe Benefits Payments				Education and/or Appr. Tr.
			Pensions	Vacation			
COMMERCIAL LINEWORK CONTD.							
ZONE II							
Linemen - technicians	\$16.04	.60	38+.70				1/2
Cable splicers	17.53	.60	38+.70				1/2
Equipment Opr. (includes helicopter op.)	15.30	.60	38+.70				1/2
Equipment Mechanic (includes Helicopter mechanic)	14.11	.60	38+.70				1/2
Powderman	14.11	.60	38+.70				1/2
Groundman & Jackhammer Oprs.	11.73	.60	38+.70				1/2
ZONE III							
Linemen - technicians	16.93	.60	38+.70				1/2
Cable splicers	18.42	.60	38+.70				1/2
Equipment Opr. (includes helicopter op.)	16.19	.60	38+.70				1/2
Equipment Mechanic (includes Helicopter mechanic)	15.00	.60	38+.70				1/2
Powderman	15.00	.60	38+.70				1/2
Groundman & Jackhammer Oprs.	12.62	.60	38+.70				1/2
ZONE IV							
Linemen - technicians	18.56	.60	38+.70				1/2
Cable splicers	20.05	.60	38+.70				1/2
Equipment Opr. (includes helicopter op.)	17.82	.60	38+.70				1/2
Equipment Mechanic (includes helicopter mechanic)	16.63	.60	38+.70				1/2
Powderman	16.63	.60	38+.70				1/2
Groundman & Jackhammer Oprs.	14.25	.60	38+.70				1/2

COMMERCIAL LINE WORK

Applies to switching stations adjacent to power plants in Eddy and Lea Counties; the following zones listed shall be designated from main Post Office of Artesia, Carlsbad, Hobbs, & Lovington, Zone A - 0 - 12 miles
Zone B - 12 - 22 miles
Zone C - 22 to 40 miles
Zone D - 40 miles and beyond

DECISION NO. N481-4023 MOD #2
 45 FR 83811 - December 19, 1980
 Statewide, New Mexico

LINE CONSTRUCTION AREA & ZONE DEFINITIONS

Bernalillo, Colfax, Catron, Chaves, Curry, DeBaca, Grant, Guadalupe, Harding, Lincoln, Los Alamos, McKinley, Mora, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, Valencia, and White Sands Missile Range that portion of Fort Bliss in New Mexico

ZONE I - Cities and Towns Basing Points - Miles from Main Post Offices

Albuquerque - 15 miles
 Santa Fe - 10 miles
 Las Vegas - 8 miles
 Farmington - 6 miles
 Raton - 6 miles
 Tucuman - 6 miles
 Atec - 6 miles
 Roswell - 12 miles
 Budo - 12 miles
 Portales - 12 miles
 Carrizozo - 12 miles
 Clovis - 12 miles
 Gallup - 12 miles
 *Pojoaque - 2 miles

*All areas adjacent to Pojoaque that are over two miles distant from the main post office in that town will be zoned out of Santa Fe.

ZONE II - Extending up to 20 miles beyond zone I

ZONE III - Extending up to 30 miles beyond zone I

ZONE IV - Anything beyond 30 miles from zone I

	Basic Monthly Rates	Fringe Benefits Payments			Education cost/or Appr. Tr.
		H & W	Pensions	Vacation	
CHANCE:					
LINE CONSTRUCTION:					
ZONE I					
Licemen - Technicians	\$14.85	.60	38+.70		1/8
Cable splicers	16.34	.60	38+.70		1/8
Equipment Operator (in-cludes Helicopter opr.)	14.11	.60	38+.70		1/8
Equipment mechanic (in-cludes Helicopter mechanic)	12.92	.60	38+.70		1/8
Powderman	12.92	.60	38+.70		1/8
Groundman & Jackhammer oprs	10.54	.60	38+.70		1/8

	Basic Monthly Rates	Fringe Benefits Payments			Education cost/or Appr. Tr.
		H & W	Pensions	Vacation	
COMMERCIAL LINE WORK CONT'D:					
ZONE A					
Licemen - technician	\$13.45	.60	38		1/8
Cable splicers	13.80	.60	38		1/8
Equipment Opr. (includes helicopter opr.)	12.11	.60	38		1/8
Equipment mechanic (in-cludes helicopter mechanic)	12.11	.60	38		1/8
Powderman	11.70	.60	38		1/8
Groundman & Jackhammer Oprs.	9.54	.60	38		1/8
ZONE B					
Licemen - technician	13.90	.60	38		1/8
Cable splicers	14.25	.60	38		1/8
Equipment opr. (includes helicopter opr.)	12.56	.60	38		1/8
Equipment mechanic (in-cludes helicopter mechanic)	12.56	.60	38		1/8
Powderman	12.15	.60	38		1/8
Groundman & Jackhammer Oprs.	9.99	.60	38		1/8
ZONE C					
Licemen - technician	14.05	.60	38		1/8
Cable splicers	14.40	.60	38		1/8
Equipment opr. (includes helicopter opr.)	12.71	.60	38		1/8
Equipment mechanic (in-cludes helicopter mechanic)	12.71	.60	38		1/8
Powderman	12.30	.60	38		1/8
Groundman & Jackhammer Oprs.	10.14	.60	38		1/8
ZONE D					
Licemen - technician	14.30	.60	38		1/8
Cable splicers	14.65	.60	38		1/8
Equipment Opr. (includes helicopter opr.)	12.96	.60	38		1/8
Equipment mechanic (in-cludes helicopter mechanic)	12.96	.60	38		1/8
Powderman	12.55	.60	38		1/8
Groundman & Jackhammer Oprs.	10.39	.60	38		1/8

DECISION NO. NM80-4101 - Mod. #2 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.	
	H & W	Pensions	Vacation		
ZONE II					
Linemen - Technicians	\$16.04				½
Cable splicers	17.53	38+.70			½
Equipment operator (includes Helicopter op.)	15.30	38+.70			½
Equipment operator (includes Helicopter mechanic)	14.11	38+.70			½
Powderman	14.11	38+.70			½
Groundman & jackhammer opers	11.73	38+.70			½
ZONE III					
Linemen - Technicians	16.93	38+.70			½
Cable splicers	18.42	38+.70			½
Equipment Operator (includes Helicopter op.)	16.19	38+.70			½
Equipment mechanic (includes Helicopter mechanic)	15.00	38+.70			½
Powderman	15.00	38+.70			½
Groundman & Jackhammer op.	12.62	38+.70			½
ZONE IV					
Linemen - Technicians	18.56	38+.70			½
Cable splicers	20.05	38+.70			½
Equipment operator (includes Helicopter op.)	17.82	38+.70			½
Equipment mechanic (includes Helicopter mechanic)	16.63	38+.70			½
Powderman	16.63	38+.70			½
Groundman & Jackhammer op.	14.25	38+.70			½
Los Alamos County-Use Zone III Rates.					

LINE CONSTRUCTION AREA AND ZONE DEFINITION

Applies to switching stations adjacent to power plants in Bddy and Lea Counties; the following zones listed shall be designated from main post office in Artesia, Carlsbad, Hobbs and Lovington

ZONE A - 0 - 12 miles

ZONE B - 12 - 22 miles

ZONE C - 22 - 40 miles

ZONE D - 40 miles and beyond

DECISION NO. NM80-4101 - MOD. #2 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LINE CONSTRUCTION (Cont.)					
ZONE A					
Linemen-technician	\$13.45				½
Cable splicers	13.80	34			½
Equipment op. (includes Helicopter operator)	12.11	34			½
Equipment mechanic (includes helicopter mechanic)	12.11	34			½
Powderman	11.70	34			½
Groundman & Jackhammer op.	9.54	34			½
ZONE B					
Linemen-technician	13.90	34			½
Cable splicers	14.25	34			½
Equipment Op. (includes Helicopter operator)	12.56	34			½
Equipment mechanic (includes helicopter mechanic)	12.56	34			½
Powderman	12.15	34			½
Groundman & Jackhammer op.	9.99	34			½
ZONE C					
Linemen-technician	14.05	34			½
Cable splicers	14.40	34			½
Equipment op. (includes Helicopter operator)	12.71	34			½
Equipment mechanic (includes helicopter mechanic)	12.71	34			½
Powderman	12.30	34			½
Groundman & Jackhammer op.	10.14	34			½
ZONE D					
Linemen-technician	14.30	34			½
Cable splicers	14.65	34			½
Equipment op. (includes Helicopter operator)	12.96	34			½
Equipment mechanic (includes helicopter mechanic)	12.96	34			½
Powderman	12.55	34			½
Groundman & Jackhammer op.	10.39	34			½

Modification Page 17

DECISION NO. NW80-4101 - MOD. #2 (Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or App. Tr.
LINE CONSTRUCTION (Cont'd)				
LINE CONSTRUCTION-UTILITY				
LINE WORK FOR ELECTRIC				
AND TELEPHONE UTILITIES				
REA CO-OPS, RAILROADS				
AND MUNICIPALITIES:				
Linemen-technician				1/2%
Cable splicer	.60	34+.70		1/2%
Equipment op. (includes	.60	34+.70		1/2%
helicopter operator)				
Equipment mechanic (in-	.60	34+.70		1/2%
cludes helicopter mech-				
anic)	.60	34+.70		1/2%
Powderman				
Groundman & Jackhammer				
operator	9.50			

Modification Page 18

DECISION NO. NY81-3030 - Mod. #1
 (46 FR 24850 - May 1, 1981)
 Cattaraugus, Chautauqua, &
 Erie Counties, New York

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or App. Tr.
Change:	14.80	1.275	1.975	.03
BOILERMAKERS				
BRICKLAYERS				
Erie County, & Cattaraugus				
County (the township of				
Perrysburg and the town of				
Gowanda)				
Bricklayers, Tuck Pointers,				
Cleaners, Caulkers, &				
Stone Masons	14.93	1.00	2.25	
Marble Mason	14.645	1.00	2.25	
Terrazzo Workers & Tile				
Setters	14.55	1.00	2.25	
CARPENTERS				
Erie County & Cattaraugus				
County (the township of				
Perrysburg and the Village				
of Gowanda in the Township				
of Persia)				
Carpenters, Millwrights &				
Piledriversmen (Building)	14.03	1.95	2.05	
CEMENT MASONS				
Erie County				
Cement Masons	15.53		2.30	
Swing Scaffold	15.80		2.30	
ELECTRICIANS				
Erie County & Cattaraugus				
County (Remainder of County)				
Electricians	15.54	34+1.10	2.10	.05
Cable Splicers	16.04	34+1.10	2.10	.05
GLAZIERS	12.89	1.80	1.05	.30
IRONWORKERS				
Chautauqua County (Town-				
ships of Cherry Creek,				
Ellington, Sheridan,				
Pomfret, Charlotte, Ark-				
wright, Hanover, Villanova				
& Brockton)				
Erie County (except the				
northern half of Grand				
Island)				
Cattaraugus County				
Structural, Ornamental,				
Rodman, Reinforcing,				
Riggers, & Fence Erectors	13.92	1.47	2.00	
Sheeter Buckers-ups	14.17	1.47	2.00	
Sheeter	14.42	1.47	2.00	

DECISION NO. PA50-3029 MOD. NO. 9 (45 FR 2069 - April 25, 1980) Lebanon County, Pennsylvania	Basic Monthly Rates	Fringe Benefits Payments			Education Adj./yr Appr. Tr.
		H & W	Pensions	Vacation	
CHANCE: BUILDING, HEAVY & HIGHWAY CONSTRUCTION: Bricklayers & Stonemasons Carpenters, Building Electricians: That portion of Lebanon County that is North and West of Interstate Route 81, including all of the Fort Indiantown Gap Military Reservation That portion of Lebanon County which extends South and East of Interstate Route 81 Glaciers: Remainder of County Labors Laborers, Building General Laborers Operator of jackhammer, air fuel and electrical operators, pipelayers, power-buggy, pre- cast slab placers and signal- men, brick, stone, plasterers and cement mason tenders, machine mixers, stockers, plaster pump and conveyors, blasters, scaffold builders, caisson workers, wagon air track and diamond point drill operators, burning torches, green cutting machine, steam jenny, laying of all clay, terra cotta, ironstone vitrified concrete or non- metallic pipe and the making of joints for same Line Constructors: Linemen & Cable Splicers Groundman Winch truck operator Millwrights	\$11.52 12.72 13.56 13.09 14.71 12.72 8.80	.95 .70 .65 .65 .70 .70 .50	.72 .90 35+.67 35+.67 .65 .90 .50	 1/4% 1/4% .01 .05	
	8.90	.50	.50		3/8% 3/8% 3/8% .05

DECISION NO. PA80-3043
MOD. NO. 8
(45 FR 43549 - July 17, 1980)
Cumberland, Dauphin, Perry,
Juniata, New Cumberland Depot
in York County, Pennsylvania

CHANGE:
Building, Heavy & Highway
Construction:
Carpenters, Building
Laborers, Building:
Group 1
Group 2
Group 3
Group 4
Line Construction:
Linenmen
Groundman
Cable Splicers
Winch truck operator
Labors
Painters:
Brush
Structural Steel
Spray
Soft floor layers
Sprinkler Fitters
Bricklayers & Blocklayers
Electricians
Glaziers
Millwrights
Stone Masons

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$11.72	.70	.90			.05
9.45	.60	.73			
9.92	.60	.73			
8.85	.60	.73			
9.72	.60	.73			
14.23	.60	3%			3/8%
8.54	.60	3%			3/8%
14.23	.60	3%			3/8%
9.96	.60	3%			3/8%
11.72	.70	.90			.05
10.77	.55	.38			.02
11.22	.55	.38			.02
11.52	.55	.38			.02
10.98	.70	.90			.05
15.56	.95	1.40			.08
11.52	.95	.72			.02
13.56	.65	3%+.67			1/4%
11.71	.70	.65			.01
14.42	.70	.90			.05
11.52	.95	.72			.02

DECISION NO. PA80-3056
MOD. NO. 5
(45 FR 60748 - September 12,
1980)
Lackawanna, Susquehanna, Wayne
and Wyoming Counties, Pa.

CHANGE:
BUILDING, HEAVY & HIGHWAY
CONSTRUCTION:
Bricklayers & Stonemasons:
Scranton in Lackawanna County
Electricians:
Lackawanna, Susquehanna, and
Wayne County
LABORERS, Building
Lackawanna, Wayne, Susquehanna
and Northern part of Wyoming
County:
Unskilled and Window Cleaners
Semi skilled Laborers: jack-
hammer operators, (each man
when two required for
operation of jackhammer):
Vibrator and buster men; wagon
drill and all men handling
dynamite; gas buggies; 2" pumps
and concrete mixer (up to 2
bags) and all pneumatic tools
Plaster tenders and masons
tenders and handling of all
material to be used; masons and
scaffold builders
Non-metallic pipe layers and
making of joints, clay terra
cotta, ironstone, vitrified
concrete handling of burning
torches; asphalt or other
material
Soft Floor Layers:
Wyoming County
Sprinkler Fitters

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$13.25	.90	1.00			.01
11.95	.90	3%+.60	1.00		.10
10.80	.97	1.00			
10.95	.97	1.00			
11.20	.97	1.00			
10.95	.97	1.00			
10.93	.70	.90			.05
15.56	.95	1.40			.08

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #TMB1-1203 Mod #1 (46 FR 24887 May 1, 1981) Anderson, Knox, Monroe & Roane Counties, Tennessee					
CHANGE:					
ASBESTOS WORKERS					
BOILERMAKERS	\$13.69	.70	1.00		.06
CARPENTERS & SOFT FLOOR LAYERS	12.75	1.275	1.10		.04
ELECTRICIANS:	10.56	.65	.63		.04
Anderson (Oak Ridge A.E.C. Area & Oak Ridge Townsite only) and Roane Counties:					
Wireman	11.86	.50	38 + .70		
Cable Splicer	12.36	.50	38 + .70		
ELEVATOR CONSTRUCTORS:					
Mechanics	11.21	1.345	1.085	atb	.035
Helper	7.85	1.345	1.085	atb	.035
Probationary Helper	5.605	1.345	1.085	atb	.035
GLAZIERS	9.83		.25		
IRONWORKERS:					
Reinforcing	10.80	.80	.80		.02
Structural & Ornamental	10.94	.80	.80		.02
LINE CONSTRUCTION:					
Anderson (Oak Ridge A.E.C. Area & Oak Ridge Townsite only) & Roane Counties:					
Linemens & Equipment Operators	11.86	.50	38 + .70		4 of 18
Cable Splicer	12.36	.50	38 + .70		4 of 18
Groundman	10.78	.50	38 + .70		4 of 18
MILLWRIGHTS	11.41	.65	.63		.04
PILEDRIVMEN	10.81	.65	.63		.04
SPRINKLERFITTERS	13.69	.95	1.40		.08

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
DECISION #TMB1-1202 Mod #1 (46 FR 24886 May 1, 1981) Shelby County, Tennessee					
CHANGE:					
ASBESTOS WORKERS	\$13.75	.75	1.25		.08
BOILERMAKERS	12.75	1.275	1.10		.04
IRONWORKERS	13.30	.73	1.00		.15
MILLWRIGHTS	13.50	1.00	.70		.35
PAINTERS:					
Commercial	12.375	.55	.50		.10
Industrial, Spray & Sand- blasting	12.625	.55	.50		.10
ROOFERS	11.20	.35	.35		.04
SPRINKLERFITTERS	13.69	.95	1.40		.08
ADD:					
MARBLE, TILE & TERRAZZO FINISHERS	5.80				

DECISION NO. TX81-4005 - MOD. #7 (46 FR 1545 - January 6, 1981) Bexar County, Texas	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
CHANGE: Bricklayers & stonemasons	.67	.30	.25		\$12.78
DECISION NO. TX81-4006 - MOD. #3 (46 FR 1547 - January 6, 1981) Brazos County, Texas					
CHANGE: Marble masons	.89	.50			13.67
Terrazzo workers	.89	.50			13.67
Tile setters	.89	.50			13.67
DECISION NO. TX81-4032 - MOD. #3 (46 FR 25981 - May 8, 1981) Galveston & Harris Cos., Texas					
CHANGE: Marble masons-Harris Co.	.89	.50			13.67
Marble masons' finishers	.80	.25			9.70
Terrazzo workers-Harris	.89	.50			13.67
Terrazzo workers'					
finishers:					
Terrazzo workers'	.80	.25			9.70
finishers					
Terrazzo floor machine-	.80	.25			9.85
man					
Terrazzo base machine-	.80	.25			10.00
man					
Tile setters-Harris Co.	.89	.50			13.67
Tile setters' finishers	.80	.25			9.70

DECISION #TN81-1204 Mod #1 (46 FR 25379 May 8, 1981) Hamilton (Building & Heavy Construction), Marion, Polk and Rhea (Building Only) Counties, Tennessee	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
CHANGE:					
ASBESTOS WORKERS	.70	1.00		.06	\$13.69
BOILERMAKERS	1.275	1.10		.04	12.75
CARPENTERS, CARPET LAYERS & FLOOR LAYERS	.63	.65		.15	11.78
ELEVATOR CONSTRUCTORS:					
Mechanic	1.345	1.085	a+b	.035	12.57
Helper	1.345	1.085	a+b	.035	8.80
Probationary Helper	1.345	1.085	a+b	.035	6.285
LATHER	.63	.65		.15	11.78
PILEDRIVERMEN	.63	.65		.15	11.905
SPRINKLERFITTERS	.95	1.40		.08	13.69
LABORERS:					
Group A	.35	.40			8.10
Group B	.35	.40			8.20
Group C	.35	.40			8.30
Group D	.35	.40			8.40
Group E	.35	.40			8.45
Group F	.35	.40			8.75
Group G	.35	.40			8.80
Group H	.35	.40			8.50
Group I	.35	.40			8.65
Group J	.35	.40			8.90

DECISION NO. TN91-4038 -

MOD. #1
[46 FR 30287 - June 5,
1981]
Collin, Dallas, Denton,
Ellis, Grayson, Hood,
Hunt, Johnson, Kaufman,
Palo Pinto, Rockwall,
Tarrant & Wise Cos.,
Texas

CHANGE:

Painters:

Zone 2 - Group 1
Group 2
Group 3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.44		.30		.12
13.69		.30		.12
14.69		.30		.12

SUPERSEDES DECISION

STATE: Arkansas

COUNTY: Garland, Clark & Hot Springs

DECISION NO.: AR81-4041

DATE: Date of Publication
SUPERSEDES DECISION #AR80-4079 dated November 7, 1980 in 45FR74344
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$12.05	.55	1.00		.02
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS-STONEMASONS:					
Clark & Garland Counties	11.50		.50		.04
Hot Springs County	11.75		.55		.04
CARPENTERS:					
Carpenters	10.85	.50	.50		.04
Millwrights-Piledriversmen	11.35	.50	.50		.04
CEMENT MASONS	11.40	.35			.03
ELECTRICIANS:					
Electricians	12.17	.60	341.00		1/48
Cable splicers	12.295	.60	341.00		1/48
ELEVATOR CONSTRUCTORS:					
Journeyman	10.81	1.195	.82	48+ab	.035
Helpers	704JR	1.195	.82	48+ab	.06
IRONWORKERS	12.10	.80	1.05		
LINE CONSTRUCTION:					
Linemen	12.17	.60	341.00		1/48
Cable splicers	12.295	.60	341.00		1/48
Groundman	644JR	.60	341.00		1/48
Truck drivers (with winch)	804JR	.60	341.00		1/48
Truck driver (flat bed)	644JR	.60	341.00		1/48
PAINTERS:					
Brush and roller	8.00				
Paperhanging	8.50				
Sheet rock (tape and float only), stage & steel	8.50				
Spray & sandblasting	11.25				
Painters operating any kind of taping or floating machine	11.75				
PLASTERERS	11.50		.35		.04
PLUMBERS-PIPEFITTERS:					
Zone A	12.85	.90	.60		.10
Zone B	13.80	.90	.60		.10
PLUMBERS AND PIPEFITTERS ZONE DEFINITIONS					
ZONE A - within 10 miles of Garland County Courthouse					
ZONE B - 10 miles and over from Garland County Courthouse					
ROOFERS	11.26		.30		.04
SHEET METAL WORKERS	11.57	.55	341.72		.08
SPRINKLER FITTERS	13.40	.95	1.40		
TILE LAYERS (Garland and Clarke Counties)	11.50		.50		

BUILDING CONSTRUCTIONLABORERS:

Group I
Group II
Group III
Group IV
Group V
Group VI
Group VII

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & M	Pensions	Vacation	
\$7.60	.38	.62		
7.85	.38	.62		
8.00	.38	.62		
8.10	.38	.62		
8.20	.38	.62		
8.50	.38	.62		
8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONSGROUP I

Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II

Semi-skilled laborer: pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III

Steel form setters, curb and gutters, grout and cement muckers

GROUP IV

Swinging scaffold, Barco, 90 lb. pavement breaker, and burners

GROUP V

Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI

Powderman and blasters

Group VII

Wagon drill

BUILDING CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & M	Pensions	Vacation	
\$12.20	.45	.45		.05
11.07	.45	.45		.05
10.54	.45	.45		.05
8.70	.45	.45		.05

POWER EQUIPMENT OPERATORS:

Group I
Group II
Group III
Group IV

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and pilodivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytrucks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor & handling building material. Lat-A-Wator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Exclid, pumpcrete, spray machine & pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

SUPERSEDES DECISION

STATE: Arkansas

DECISION NO.: AR81-4043

COUNTY: Jefferson

DATE: Date of Publication
 SUPERSEDES DECISION #AR80-4080 dated October 31, 1980 in 43PR72439
 DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

FOOTNOTES:

- a. 1st 6 mos. - none; 6 mos. to 5 yrs. 6%; over 5 years - 8% of basic hourly rate.
 b. PAID HOLIDAYS - A through G
 A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day;
 E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, (a) (1) (ii)).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		M & W	Pensions	Vacation		
ASBESTOS WORKERS	\$12.05	.55	1.00			.02
BOILERMAKERS	12.00	.975	1.00			.03
BRICKLAYERS-STONEMASONS	11.80	.85	.55			.04
CARPENTERS:						
Carpenters	11.40	.50	.50			.06
Millwrights-piledrivermen	11.90	.50	.50			.06
CEMENT MASONS	11.40	.35				.03
ELECTRICIANS:						
Electricians	13.05	.55	38+1.35			1/48
Cable splicers	13.175	.55	38+1.35			1/48
ELEVATOR CONSTRUCTORS:						
Journeyman	10.81	1.195	.82	48+a+b		.035
Helpers	704JR	1.155	.82	48+a+b		.035
GLAZIERS	10.08		.25			
IRONWORKERS	12.10	.80	1.05			.06
LINE CONSTRUCTION:						
Linemen	13.75		38			3/88
Cable splicers	13.875		38			3/88
Groundmen	654JR		38			3/88
Winch equipment	734JR		38			3/88
MARBLE, TERRAZZO AND TILE WORKERS	10.50					
PAINTERS:						
Painters, paperhangers and steam cleaners, sheetrock finishers and wall cover hangers	9.85		.50			.03
Spray gun operators and sand blasters	10.45		.50			.03
All skeleton steel and all work on stages, structural steel over 30 feet high						
PLASTERERS	10.10		.50			.03
PLUMBERS-PIPEFITTERS	11.50		.35			.04
ROOFERS	13.80	.90	.60			.10
SHEET METAL WORKERS	11.26		.30			
SPRINKLER FITTERS	11.57	.55	38+.72			.04
	13.40	.95	1.40			.08

DECISION NO.: AR81-4041

PAGE 4

WELDERS---receive rate prescribed for craft performing operation to which welding is incidental.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vocational	
LABORERS:					
Group I	\$7.60	.38	.62		
Group II	7.85	.38	.62		
Group III	8.00	.38	.62		
Group IV	8.10	.38	.62		
Group V	8.20	.38	.62		
Group VI	8.50	.38	.62		
Group VII	8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONSGROUP I

Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II

Skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III

Steel form setters, curb and gutters, grout and cement muckers

GROUP IV

Swinging scaffold, Barco, 90 lb. pavement breaker, and burners

GROUP V

Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI

Powderman and blasters

GROUP VII

Wagon drill

FOOTNOTES:

- 7 paid holidays - A through G.
- Employer contributes 8% of regular hourly rate to Vacation Pay. Credit for employee who had worked in business more than 5 years. Employer contributes 6% of regular hourly rate to Vacation Pay. Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS: FOR ELEVATOR CONSTRUCTORS ONLY

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day;

E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day.

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Group I	\$12.20	.45	.45			.05
Group II	11.07	.45	.45			.05
Group III	10.54	.45	.45			.05
Group IV	8.70	.45	.45			.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradallis, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor and handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Euclid, pumpcrete, spray machine & pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

STATE: ARKANSAS

COUNTY: Sebastian, Crawford and

DECISION NO.: AR81-4039

DATE: Date of Publication

SUPERSEDES DECISION AR80-4081 dated November 7, 1980 in 45FR7432
DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
SEBASTIAN & CRAWFORD COS.	\$12.60	.55	.85			.015
ASBESTOS WORKERS	12.00	.80	1.00			.02
BOILERMAKERS	11.65	.85	.55			.14
BRICKLAYERS-STONEMASONS						
CARPENTERS	9.54	.50	.60			.04
Millwrights-Piledrivers	10.29	.50	.60			.04
CEMENT MASONS	11.40	.35				
ELECTRICIANS						
Electricians	13.67	.60	34+5.54			1/44
Cable splicers	13.92	.60	34+5.54			1/44
ELEVATOR CONSTRUCTORS	10.81	1.195	.82	44+a+b		.035
ELEVATOR CONSTRUCTORS HELPER	704JR	1.195	.82	44+a+b		.035
IRONWORKERS	12.10	.75	.95			.12
LINE CONSTRUCTION:						
Lineman; operator	11.92	.60	34+.055			1/44
Cable splicers	12.07	.60	34+.055			1/44
Powderman	304JR	.60	34+.055			1/44
Truck driver	754JR	.60	34+.055			1/44
Groundman	654JR	.60	34+.055			1/44
PAINTERS:						
Roller work, sheetwork, finishing by machinery	8.25					
Brush	8.00					
Spray painting	9.00					
Swing stage work	8.25					
Sandblasting-steam cleaning	9.00					
All pipe and steel	8.75					
All mitten and glove painting	9.00					
PLASTERERS	11.50		.35			.04
PLUMBERS & STEAMFITTERS	12.56	.55	.55			.04
ROOFERS	11.26		.30			
SHEET METAL WORKERS	11.57	.55	34+.72			.04
SPRINKLER FITTERS	13.40	.95	1.40			.08

FOOTNOTES:

a - 1st 6 mos. none; 6 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rates

b - Paid Holidays - A through G

PAID HOLIDAYS:

A - New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day.

SEBASTIAN AND CRAWFORD COUNTIES - ONLY

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and or Appl. Tr.
Group I	\$12.20	.45	.45		.05
Group II	11.07	.45	.45		.05
Group III	10.54	.45	.45		.05
Group IV	8.79	.45	.45		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all over-head and traveling cranes, or tractors with swinging boom attachments, gradallis, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skidtrucks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oilier driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor & handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S; end dump Excid, pumpcrete, spray machine & pressure grout machine, air compressors, regardless of size, all equipment welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment grasper, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

SEBASTIAN AND CRAWFORD COUNTIES - ONLY

BUILDING CONSTRUCTION

LABORERS:

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and or Appl. Tr.
Group I	\$7.60	.38	.62		
Group II	7.85	.38	.62		
Group III	8.00	.38	.62		
Group IV	8.10	.38	.62		
Group V	8.20	.38	.62		
Group VI	8.50	.38	.62		
Group VII	8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I

Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II

Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III

Steel form setters, curb and gutters, grout and cement muckers

GROUP IV

Swinging scaffold, Barco, 90 lb. pavement breaker, and burners

GROUP V

Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI

Powderman and blasters

GROUP VII

Wagon drill

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after aware only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

STATE: Arkansas
 COUNTY: Union and Ouachita
 DECISION NO.: AR81-4040
 DATE: Date of Publication
 SUPERSEDES DECISION #AR80-4082 dated November 7, 1980 in 45FR7445
 DESCRIPTION OF WORK: Building Projects (excluding single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$12.05	.55	1.00		.02
BOILERMAKERS	12.00	.975	1.00		.03
BRICKLAYERS	11.50		.75		
CARPENTERS:					
Carpenters	10.85	.50	.50		.04
Millwrights-Piledrivers	11.35	.50	.50		.04
CEMENT MASONS	11.40	.35			
ELECTRICIANS:					
Electrical contract					
\$20,000 or less:					
Electricians	13.04		3%		1/4%
Cable splicers	13.34		3%		1/4%
Electrical contracts over \$20,000:					
Electricians	13.83		3%		1/4%
Cable splicers	14.13		3%		1/4%
IRONWORKERS	13.25	.60	1.25		.06
LINE CONSTRUCTION:					
Electrical contracts					
\$20,000. or less:					
Linemen	13.59		3%		1/4%
Cable splicers	13.99		3%		1/4%
Electrical contracts over \$20,000.00:					
Linemen	14.48		3%		1/4%
Cable splicers	14.78		3%		1/4%
Electrical contracts \$20,000 or less and over \$20,000.00:					
Groundman	65¢JR		3%		1/4%
Truck drivers	70¢JR		3%		1/4%
Winch operator	80¢JR		3%		1/4%
Heavy Equipment operator (on track or transmission equipment)	100¢JR		3%		1/4%
PAINTERS:					
Brush, roller, sheet rock work & paperhanging	9.00				
Spray and sandblasting	9.875				
PLASTERERS	11.50		.35		.04
PLUMBERS-PIPEFITTERS	13.10	.60	.85		.10

WASHINGTON COUNTY, ARKANSAS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Asbestos workers	\$11.97	.50	1.00		1/4%
Bricklayers	7.50				
Carpenters	6.79	.25			
Cement masons	8.67	.50	3%+5.5%		
Electricians	11.86				
Glaziers	6.60				
Ironworkers	8.95				
LABORERS:					
Unskilled	4.32				
Plaster tender	6.25				
Lathers	8.52				
Painters, brush	8.15				
Plasterers	9.70	.45	.55		.02
Plumbers-Pipefitters	10.26				.04
Roofers	7.39				
Sheet metal workers	11.57	.55	3%+7.2		.04
Sprinkler fitters	11.69	.75	1.05		.08
Tile setters	6.50				
POWER EQUIPMENT OPERATORS					
Bulldozers	4.64				
Backhoe	5.25				
Cranes	6.24				
Rollers	4.50				
Motor patrol	5.90				
Tractors	4.47				

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROOFERS	\$11.26		.30		.19
SHEET METAL WORKERS	12.09	34+.69	.50		.08
SPRINKLER FITTERS	13.40	.95	1.40		
75-AR-LAB-1					
LABORERS:					
Group I	7.60	.38	.62		
Group II	7.85	.38	.62		
Group III	8.00	.38	.62		
Group IV	8.10	.38	.62		
Group V	8.20	.38	.62		
Group VI	8.50	.38	.62		
Group VII	8.40	.38	.62		

LABORERS CLASSIFICATION DEFINITIONS

GROUP I

Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II

Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III

Steel form setters, curb and gutters, grout and cement muckers

GROUP IV

Swinging scaffold, Barcoo, 90 lb. pavement breaker, and burners

GROUP V

Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI

Powderman and blasters

GROUP VII

Wagon drill

WELDERS--receive rate prescribed for craft performing operation to which welding is incidental.

unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group I	\$12.20	.45	.45		.05
Group II	11.07	.45	.45		.05
Group III	10.54	.45	.45		.05
Group IV	8.70	.45	.45		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and pildrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all over-head and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 105 and larger, finishing machines, all boiler fireman high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor, handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 105, end dump Euclid, pumpcrete, spray machine, pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

SUPERSEDES DECISION

DECISION NO.: AR81-4042

Page 2

STATE: ARKANSAS COUNTY: PULASKI
 DECISION NO.: AR81-4042 DATE: Date of Publication
 Supersedes Decision No. AR80-4083 dated October 31, 1980 in 45FR72438
 DESCRIPTION OF WORK: Building Projects (excluding single family
 homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		M & W	Pensions	Vacation		
ASBESTOS WORKERS	\$12.05	.55	1.00			.02
BOILERMAKERS	12.00	.975	1.00			.03
BRICKLAYERS-STONEMASONS	11.80	.85	.55			.04
CARPENTERS:						
Carpenters	11.40	.50	.50			.06
Millwrights-Piledrivermen	11.90	.50	.50			.06
CEMENT MASONS	11.40	.35				.03
ELECTRICIANS:						
Electricians	13.05	.55	34+1.35			1/44
Cable splicers	13.175	.55	34+1.35			1/44
ELEVATOR CONSTRUCTORS:						
Journeymen	10.81	1.195	.82	44+a+b		.035
Helpers	704JR	1.195	.82	44+a+b		.035
GLAZIERS	10.08					
IRONWORKERS	12.10	.80	1.05			.06
LINE CONSTRUCTION:						
Linemen-Operators	13.75		34			3/84
Cable splicers	13.875		34			3/84
Groundmen	654JR		34			3/84
Winch equipment	734JR		34			3/84
MARBLE, TILE & TERRAZZO						
WORKERS	10.50					
PAINTERS:						
Painters, paperhangers and						
steam cleaners, sheetrock						
finishers and wall cover						
hangers	9.85		.50			.03
Spray gun operators and						
sandblasters	10.45		.50			.03
All skeleton steel and all						
work on stages, structural						
steel over 30 ft.						
high	10.10		.50			.03
PLASTERERS	11.50		.35			.04
PLUMBERS-PIPEFITTERS:						
Within 10 mile radius of						
Pulaski County Court-						
house	13.85	.60	.75			.08
Over 10 miles from Pulaski						
County Courthouse	14.15	.60	.75			.06
ROOFERS	11.26		.30			
SHEET METAL WORKERS	11.57	.55	34+.72			.04
SPRINKLER FITTERS	13.40	.95	1.40			.08

BUILDING CONSTRUCTION

LABORERS:

Group I
 Group II
 Group III
 Group IV
 Group V
 Group VI
 Group VII

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	M & W	Pensions	Vacation		
\$7.60	.38	.62			
7.85	.38	.62			
8.00	.38	.62			
8.10	.38	.62			
8.20	.38	.62			
8.50	.38	.62			
8.40	.38	.62			

LABORERS CLASSIFICATION DEFINITIONS

GROUP I

Construction laborers, concrete labor, wrecking labor, mechanic's labor, excavating labor, plumber's labor, electricians labor, green cutter, blowpipe, and concrete pump hose placer

GROUP II

Semi-skilled laborer; pipelayer, concrete, clay and mechanical tool, cement mixer, wet or dry finishers, creosote wood handlers, chuck tenders

GROUP III

Steel form setters, curb and gutters, grout and cement muckers

GROUP IV

Swinging scaffold, Barco, 90 lb. pavement breaker, and burners

GROUP V

Nozzleman, gunite, grout and sand blaster; concrete pump (nozzle placer)

GROUP VI

Powderman and blasters

GROUP VII

Wagon drill

BUILDING CONSTRUCTIONPOWER EQUIPMENT OPERATORS:

Group I
Group II
Group III
Group IV

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacations	Education and/or Appr. Tr.
\$12.20	.45	.45		.05
11.07	.45	.45		.05
10.54	.45	.45		.05
8.70	.45	.45		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP I - Cranes, draglines, shovels and piledrivers with a lifting capacity of 50 tons or over, and operators of all towers, climbing cranes, and derricks required to work 25 feet or over from the ground, blacksmith, mechanics and/or welders

GROUP II - Hydraulic cranes, cherry pickers, backhoes and all derricks with a lifting capacity less than 50 tons, as specified by the manufacturers, all backhoes, tractor or truck type, all overhead and traveling cranes, or tractors with swinging boom attachments, gradalls, all above equipment irrespective of motive power, leverman (engineer), hydraulic or bucket dredges, irrespective of size

GROUP III - HEAVY EQUIPMENT OPERATORS: All bulldozers, all front end loaders, all sidebooms, skytracks, all push tractors, all pull scrapers, all motor graders, all trenching machines, regardless of size or motive power, all back fillers all central mixing plants, 10S and larger, finishing machines, all boiler firemen high or low pressure, all asphalt spreaders, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable tool core drill or churn drill, water well and foundation drilling machines regardless of size, regardless of motive power and dredge tender operator

GROUP IV - LIGHT EQUIPMENT OPERATORS: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective of motive power, winch or A-frame trucks, forklifts, rollers of all types and pull tractors, regardless of size, elevator operators inside and outside when used for carrying workmen from floor to floor, handling building material. Lad-A-Vator, conveyor, batch plant, and mortar or concrete mixers, below 10S, end dump Excld, pumpcrete, spray machine, pressure grout machine, air compressors, regardless of size, all equipment, welding machines light plants, pumps, all well point system de-watering and portable pumps, space heater, irrespective of size, and motive power, equipment greaser, oiler, asphalt distributor, and like equipment, safety boat operator and deckhand.

FOOTNOTES:

a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 6¢; over 5 yrs. - 8¢ of basic hourly rate.

b. PAID HOLIDAYS - A through G.

PAID HOLIDAYS:

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving; G-Christmas Day.

WELDERS -- receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

SUPERSEDES DECISION

FL81-1250 cont.

STATE: Florida
 DECISION NUMBER: FL81-1250
 COUNTY: See Below
 DATE: Date of Publication
 Supersedes Decision No. FL76-1108 dated October 1, 1976 in 41 FR 43555
 DESCRIPTION OF WORK: Building Construction (excludes single family homes and apartments up to and including 4 stories)

Brevard County (excludes Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center and Melabar Radar Site)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
Bricklayers	\$8.70	.50	.40	.03
Carpenters	6.81			
Cement Masons	6.71			
Electricians	9.80	.55	3%	1%
Ironworkers	6.86			
Laborers	4.06			
Painters	7.84			
Plumbers	8.45			
Roofers	9.50			
Tile Setters	6.63	.35	.25	
Truck Drivers	4.25			
Welders - Rate for craft				
POWER EQUIPMENT OPERATORS				
Group A	7.33	.30	.25	.05
Group B	6.29	.30	.25	.05
Group C	5.48	.30	.25	.05
Group D	4.51	.30	.25	.05

Group A - Cranes, derricks, clam shells, draglines, piledriver (including auger & boring machine for drilling in piling), backhoes, hydra cranes, grade all, shovels, patrols, cableways, tug boat captain (150 H.P. or more), multi-bowl operator, similar to E.G. Lafourneau Model L-60-2 or three 20 cu. yd. scrapers), front end loaders (over 4 cu. yd.), side boom cats, multi-drum hoist (for rigging), heavy equipment mechanic, tower crane (stationary, climbing & traveling), gantry cranes, locomotive cranes, bridge cranes (over 20 ton cap.), concrete pump with boom (mobile), high lift or fork lift (second floor & higher), locomotive engineer, (jobs not covered by railroad unions)

Group B - Bulldozers, bridge cranes (20 tons & under), high lift or fork lift (up to 2nd floor), straddle buggies, hoists (other than rigging) including winch truck not mobile & used as a hoist, front end loader (over 2 cu. yd. and up to & incl. 4 cu. cap.), trenching machine (ladder & wheel type), over 6' cut & over 24" width, concrete paver & scraper

Group C - Concrete Pumps, front end loader (2 cu. yd. or less not used as a hoist), mobile winch trucks, self-propelled sub-grader, asphalt paving machine, concrete mixer, tractors, air compressor plant (2 or more compressors on a common manifold), lubricating engineer (mobile plant), pavement breakers, street sweeping machines

Group D - Tractor-operated sweeper, trenching machine (ladder & wheel type maximum cut 6' maximum width 24"), firemen, self-propelled rollers, wellpoint pump, asphalt distributor, water truck driver, motor boat op., oiler, mechanics' helpers, pumpman (other than wellpoint up to & including 5 pumps within 300 ft. radius), self-propelled sweepers, combination pump, compressor & combustion type welding machine

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

SUPERSEDES DECISION

STATE: ILLINOIS
 COUNTY: See Below
 DATE: Date of Publication
 DECISION NUMBER: IL81-2017
 Supersedes Decision No.: IL79-2052, dated August 24, 1979 in 44 FR 49829
 DESCRIPTION OF WORK: Building Construction Projects (Including Residential Construction Projects)

*DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$17.00	1.145	1.645			.06
BOILERMAKERS	15.30	1.675	1.50	5%		.08
BRICKLAYERS; Stonemasons;						
DuPage (N. of Butterfield Road						
((Argonne)) National Accl. Lab						
& AEC Plant) Co.	14.40	1.10	1.10			.06
DuPage (Ram. of Co.) Co.	14.40	1.10	1.10			.08
Grundy & Will Counties	14.62	1.00	1.00			.02
Kane (S. Part) & Kendall Cos.	14.40	1.10	1.10			.07
Kane (N. Part) & McHenry Cos.	14.40	1.10	1.10			.07
Lake Co.	13.00	.90	1.05			.07
CARPENTERS; Millwrights;						
Piledrivers; & Soft Floor						
Layers:	14.00	1.23	1.06			.10
DuPage & Lake Cos.						
Grundy Co.:						
Commercial:						
Carpenters; Piledrivers; &						
Soft Floor Layers	13.48	1.00	1.00			.03
Millwrights	13.73	1.00	1.00			.03
Residential	12.13	1.00	1.00			.03
Kane, Kendall, & McHenry Cos.:						
Carpenters; Soft Floor Layers	14.00	1.00	1.24			
Millwrights; Piledrivers	14.00	1.00	1.24			
Will Co.:						
Commercial	15.80	1.10	1.25			
Residential	13.71					
CEMENT MASONS:						
DuPage Co.	12.80	1.13	1.00			.07
Grundy & Will Cos.	14.01	.95	1.66			.05
Kane (S. Part) & Kendall Cos.	14.50	1.00	1.06			
Kane (N. Part) & McHenry Cos.	14.85	.80	.91			
Lake Co.	13.80	1.28	1.43			.03
ELECTRICIANS:						
DuPage Co.	16.00	5%	9%	8%		1%
Grundy & Will Cos.:						
Commercial	16.11	.88	34+.88			.3%
Residential	12.04	.88	34+.60			.3%
Kane (N. Part) & McHenry Cos.	16.55	5%	13%			.5%
Kane (S. Part) & Kendall Cos.	16.54	6%	11%			1%
Lake Co.	16.24	.65	34+.10			1%

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	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
		H & W	Pensions	Vacation		
ELEVATOR CONSTRUCTORS:						
DuPage, Lake & Will Cos.:	\$15.67	1.195	.82	.65		.035
Elevator Constructors	702JR	1.195	.82	.65		.035
Helpers						
Helpers (Prob.)	502JR					
GLAZIERS:						
DuPage, Kane, Kendall (Eastern	11.89	.48	.89			.01
part), Lake & Will Cos.						
Grundy & Kendall (Western part)	15.00	.60	.30			.02
Co.	10.93	.47	.50	.50		.02
McHenry Co.						
IRONWORKERS:						
DuPage (Argonne & Vic.), Grundy,	13.40	3.115	1.31			.05
Kendall (S. part), & Will Cos.						
DuPage (Ram. of Co.), Kane,						
Kendall (N. part), & McHenry	16.70	.90	.525			.08
(SE & E) Cos.						
Lake & McHenry (Hebron, Wood-						
stock & E. thereof) Cos.:	16.80	2.14	1.47			.10
Reinforcing & Structural	13.95	.85	1.105			.05
Ornamental	10.57	.85	1.105			.05
Metal Fence Erectors	14.25	.90	2.375			.10
McHenry (NW & E) Co.						
LATHERS:						
DuPage & Lake Cos.	13.82	.605	.645			.04
McHenry (W & E) Co.	12.05	.55	.85			
LINE CONSTRUCTION:						
DuPage Kane, Kendall, Lake, &						
McHenry Cos.:						
Linemen; Digger Op. & Crane	15.29	.60	.3%			1%
Op. (15 Ton or above)						
Equipment Op.; Semi Truck						
Drivers	12.96	.60	.3%			1%
Groundmen Truck Drivers	10.30	.60	.3%			1%
Groundmen	9.96	.60	.3%			1%
Grundy & Will Cos.:						
Linemen; Equipment Ops.	17.05	4.4%	6.50%	5.6%		.25%
Groundmen	12.10	4.4%	6.50%	5.6%		.25%
MARBLE SETTERS:						
DuPage, Lake & Will Cos.	15.86	.90				
MARBLE SETTERS' FINISHERS:						
DuPage & Lake Cos.	13.10					

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS:				
DuPage, Kane, Kendall, & McHenry Cos.:				
Brush, Drywall Tapers; Sandblasters; & Spray Grundy & Will Cos.:	.75	.85		.06
Brush, Drywall Tapers; Paperhangers; & Sign Painting Spray Lake Co.:	.80	1.00		.05
Brush, Drywall Tapers; Paperhangers; & Sign Painting Spray Lake Co.:	.80	1.00		.05
Brush, Decorators; Paperhangers; Tapers:	.575	.75		.013
PLASTERERS:				
DuPage Co.	1.10	1.10		
Grundy & Will Cos.	.875	1.07		.07
Kane (S. part) & Kendall Cos.	1.00	1.06		
Kane (N. part) & McHenry Cos.	.80	.91		
Lake Co.	1.26	1.43		.03
PLUMBERS: Pipefitters; & Steamfitters:				
DuPage (Naperville & S.) Co.	1.15	1.22		.05
DuPage (Exclu. Naperville & S.), Grundy (W. of Rt. 47), Lake, McHenry, & Will (Except city limits of Joliet) Cos.:				
Pipefitters & Steamfitters DuPage (Exclu. Naperville & S.) Co.:	1.07	1.70		.05
Plumbers				
Grundy (W. of Rt. 47) Co.:	.80	1.20		.10
Plumbers	.66	.75		.09
Grundy (E. of Rt. 47) & Will (Joliet & Vic.) Cos.	1.05	1.37		.08
Kane (Elgin & Vic.) Co.	.90	.60	1.00	.08
Kane (Aurora & Vic.) & Kendall (Exclu. Yorkville) Co.	.65	.50		.04
Kendall (Yorkville) Co.	.66	.75		.09
Lake Co.	1.10	1.15		.25
Will (Except City limits of Joliet) Co.	.80	1.00		.07

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ROOFERS:				
DuPage & Lake Cos.	1.45	1.06		.04
Grundy & Will Cos.	1.17	1.10		
Kane, Kendall, & McHenry (S. part incl. cities of McHenry, Woodstock, & Crystal Lake) Cos.	1.05	.80		.02
McHenry (Rem. of Co.) Co.	.90			.03
SHEET METAL WORKERS:				
DuPage Co.	.85	.98		.16
Grundy & Will Cos.	.95	1.03		.09
Kane, Kendall & McHenry Cos.	.55	.70	1.44	.14
Lake Co.	.90	.73	.50	.07
SPRINKLER FITTERS:				
DuPage & Lake (Within 30 mi. radius of Chicago City Hall) Cos.	1.30	1.40		.15
Grundy, Kane, Kendall, Lake (Rem. of Co.), McHenry, & Will Cos.	.95	1.40		.08
TILE SETTERS:				
DuPage, Grundy, Lake, & Will Cos.	.81	1.07		
TILE SETTERS' FINISHERS:				
DuPage, Lake, & Will Cos.	.81	.77		
TRUCK DRIVERS:				
2-3 Axles	12.25	29.00e	33.00e	
4 Axles	12.40	29.00e	33.00e	
5 Axles	12.60	29.00e	33.00e	
6 Axles	12.80	29.00e	33.00e	

WELDERS receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day; & G-Christmas Day

FOOTNOTES:

a. Employer contributes 5% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular rate to vacation pay credit for employee who has worked in business less than 5 years.

b. 7 Paid Holidays: A through G

c. 7 Paid Holidays: A through G

d. 4 Paid Holidays: B, C, D, & E

e. Per Week Per Employee

DECISION NO. IL81-2027

DECISION NO. IL81-2027

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LABORERS: DuPage, Grundy & Will Cos.				
CLASS 1 - Common Laborers, Plasterer, Laborers, Pumps or Dewatering & other Unclassified Laborers	.57	1.30		
CLASS 2 - Cement Gun Laborers	.57	1.30		
CLASS 3 - Scaffold Laborers & Chimney Laborers over 40'	.57	1.30		
CLASS 4 - Windlass & Cement Gun Nozzle Laborers	.57	1.30		
CLASS 5 - Stone Handler & Derrickmen	.57	1.30		
CLASS 6 - Jackhammermen	.57	1.30		
CLASS 7 - Concrete Vibrator, Plumbers' Labor & Chain Saw Operator	.57	1.30		
CLASS 8 - Firebrick & Boiler Setters, Laborers	.57	1.30		
CLASS 9 - Chimney Laborers on Firebrick, Caisson Diggers & Well Point System Men	.57	1.30		
CLASS 10 - Boiler Setters Plastic Laborers	.57	1.30		
CLASS 11 - Jackhammer on Firebrick Only	.57	1.30		

LABORERS:

Kane, Kendall & McHenry

Class 1 - Laborers	\$ 11.10	.57	1.30	
Class 2 - Power Vibrator	11.10	.57	1.30	
Class 3 - Mortar Men, Torchmen (on Demolition Only)	11.25	.57	1.30	
Class 4 - Power Tampers	11.30	.57	1.30	
Class 5 - Chain Saw Men, Swinging Stage & Boat-swain Chairs, Cement Gun Nozzlemen, Rod Carriers, Plasterer Tenders, Tunnelmen, Tree Surgeons (Toppers)	11.35	.57	1.30	
Class 6 - Tile Layers & Bottom Men	11.45	.57	1.30	
Class 7 - Caisson Laborers & Dynamiters	11.60	.57	1.30	

DECISION NO. IL 81-2027

POWER EQUIPMENT OPERATORS:

CLASS I
CLASS II
CLASS III
CLASS IV

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacations		
\$ 13.95	1.20	1.20	.70		.05
12.65	1.20	1.20	.70		.05
11.50	1.20	1.20	.70		.05
10.25	1.20	1.20	.70		.05

CLASS I - Asphalt Plant, Asphalt Spreader, Auto-Grad, Batch Plant, Benoto (Requires two engineers), Boiler & Throttle Valve, Caisson Rigs, Central Bed-Mix Plant, Combination Backhoe Front End Loader Machine Compressor & Throttle Valve, Concrete Breaker (Truck Mounted), Conveyor, Concrete Paver, Concrete Placer, Concrete Tower, Cranes (all), Derricks (all), Grader, Elevating, Grouting Machines, Highlift Shovels or Front End Loader 2 1/2 yd. & over, Hoists, One, Two & Three Drum Hoists, Two Tugger One Floor, Hydraulic Boom Truck, Locomotives (all), Motor Patrol, Pile Drivers & Skid Rig, Post-Hole Digger, Pre-Stress Machine, Pump Cretes Dual Ram (requiring frequent lubrication & water), Pumpcretes, Squeeze Cretes - Screw type Pumps, Gypsum Bulker & Pump, Rock Drill (Self-Propelled), Rock Drill (truck mounted), Scoops - Tractor Drawn, Slip Form Paver, Straddle Buggies, Tournapull, Tractor with Boom & Side Boom, Trenching Machines

CLASS II - Boilers, Bulldozers, Broom all Power Propelled, Concrete Mixer (2 bag & over), Conveyor Portable, Forklift Truck, Greaser Engineer, Highlift Shovels or Front End Loaders under 2 1/2 yd., Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger Single Drum, Rollers, (All), Steam Generators, Stone Crushers, Tractors, (All), Winch Trucks with "A" Frame

CLASS III - Air Compressor - Small 125 & under (1 to 5 not exceed a total of 300 ft.), Air Compressor - large over 125, Combination - Small Equipment Opr., Generators under & over 50 KW, Heaters, Mechanical pumps over 3" (1 to 3 not to exceed a total of 300 ft.), Pumps, Well Points, Welding Machine (2 through 5), Winches, 4 Small Electric Drill Winches

CLASS IV - Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

DECISION NO. IL 81-2027

LABORERS: LAKE COUNTY

CLASS 1
Building & Plasters Laborers; General Laborers (Wrecking & Demolition) Fireproofing & Fire Shop Laborers

CLASS 2
Cement Gun Laborers & Hose

CLASS 3
Chainey Laborers (over 40'); Scaffold Laborers; Wall Men or Wreckers

CLASS 4
Stone Derricks & Handlers

CLASS 5
Jackhammer Men (Tampers & Vibrators) Power Driven Concrete Saws

CLASS 6
Caisson Diggers, Well Point System, Chainey Laborers (on Firebrick)

CLASS 7
Cement Gun Nozzle, Laborers (Gunnite)

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacations		
\$ 11.10	.57	1.30			
11.175	.57	1.30			
11.20	.57	1.30			
11.30	.57	1.30			
11.325	.57	1.30			
11.45	.57	1.30			
11.25	.57	1.30			

DECISION NO. TL81-2028

SUPPERSEDES DECISION

STATE: ILLINOIS
DECISION NUMBER: IL81-2028
Supersedes Decision No. IL79-2072 dated September 7, 1979 in 44 FR 51547
DESCRIPTION OF WORK: Heavy & Highway Construction Projects
COUNTIES: *See Below
DATE: Date of Publication
*See Below

Basic Hourly Rates	H & W	Pensions	Vacation	Fringe Benefits, Payments	
				Education and/or App. Tr.	
CARPENTERS; Pile-drivers:					
\$14.03	1.00	1.35			.02
Boone & DeKalb Cos.		1.08			.10
DuPage & Lake Cos.	1.00	1.35			
Kane, Kendall, & McHenry Cos.	1.10	1.25			
Will Co.					
CEMENT MASONS:					
Boone Co.	.55	1.00			
DeKalb, Kane (S. Part), Kendall, & McHenry Cos.	1.00	1.06			.07
DuPage Co.	1.13	1.00			
Kane (N. Part) Co.	.80	.91			.03
Lake Co.	1.28	1.43			.05
Will Co.	.95	1.66			
ELECTRICIANS:					
Boone & DeKalb (Except Sandwich Twp.) Cos.	.75	375+.80			1/2
DeKalb (Sandwich Twp.), Kane (Aurora, Sugar Grove, Big Rock, Kaneville, Blackburn, Batavia, Geneva Twp., & City of St. Charles), & Kendall Cos.	6%	11%			1/2
DuPage Co.	5%	9%	8%		1/2
Kane (Rem. of Co.) & McHenry Cos.	5%	13%			.5%
Lake Co.	.65	375+1.10			1%
Will Co.	.88	375+.88			.3%
IRONWORKERS:					
Boone, DeKalb (Except S.E. 2/3 of Co.), & McHenry (N.W. 1/4 of Co.) Cos.	.90	2.375			.10
DeKalb (Rem. of Co.), DuPage (Except Argonne & Vic.), Kane, Kendall (N. Part), & McHenry (S.E. 1/4 of Co.) Cos.	.90	.525			.08
DuPage (Argonne & Vic.), Kendall (S. Part), & Will Cos.	3.115	1.31			.05
Lake & McHenry (Hebron, Wood- stock & E. Thereof) Cos.	2.14	1.47			.10

Basic Hourly Rates	Fringe Benefits, Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LINE CONSTRUCTION: Boone, DeKaib, DuPage, Kane, Kendall, Lake, & McHenry Cos.: Linemen; Digger Op.; & Crane (15 Ton or above) Equipment Op.; Semi-Truck Drivers Groundmen Truck Drivers Groundmen	.60	3%	a	1/2%
\$15.29				
12.96	.60	3%	a	1/2%
10.30	.60	3%	a	1/2%
9.96	.60	3%	a	1/2%
Will Co.: Linemen; Equipment Ops. Groundmen	4.4%	6.50%	5.6%	.25%
12.10	4.4%	6.50%	5.6%	.25%
PAINTERS: Boone Co.: Brush; Roller Open Structural & Sandblasting Spray	.90	.50		.02
14.45	.90	.50		.02
14.70	.90	.50		.02
15.00	.90	.50		.02
DeKaib, DuPage, Kane, Kendall, & McHenry Cos.: Brush; Spray	.75	.85		.06
11.29	.75	.85		.06
Lake Co.: Brush	.575	.75		.013
11.50	.575	.75		.013
Will Co.: Brush	.80	1.00		.05
14.05	.80	1.00		.05
Bridges with: Butt Plates & Handrails W/Superstructures WO/Superstructures	.80	1.00		.05
14.55	.80	1.00		.05
TRUCK DRIVERS: Boone Co.: 2-3 Axles 4 Axles 5 Axles 6 Axles	.55	1.00		
12.00	.55	1.00		
12.15	.55	1.00		
12.35	.55	1.00		
12.55	.55	1.00		
12.55	.55	1.00		
Remainder of Counties: 2-3 Axles 4 Axles 5 Axles 6 Axles	29.00%	33.00%		
12.25	29.00%	33.00%		
12.40	29.00%	33.00%		
12.60	29.00%	33.00%		
12.80	29.00%	33.00%		

FOOTNOTES:
a. 4 Paid Holidays: Memorial Day; July 4th; Labor Day; & Thanksgiving Day
b. Per Week Per Employee

DECISION NO. IL81-2028

LABORERS: Boone, Kane, Randall, & McHenry Cos.:	Fringe Benefits Payments				Education and/or App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Class 1: Common Laborers; Asphalt Laborers; Asphalt Plant Laborers; Stripping Laborers; Concrete Saw; Self- Propelled Saw; & Laser Beam Vibrators	\$11.10	.57	1.30		
Class 2: Air Tampers & Mixers	11.15	.57	1.30		
Class 3: Mortar Concrete Mixer	11.20	.57	1.30		
Class 4: Stringline & Form Cutters; Torchmen; Sheeting & Cribbing Men; Black Top Backers; Lutemen; & Machine Screenmen	11.25	.57	1.30		
Class 5: Chain Saw Men; Jack- hammermen; Drillmen; Concrete Breakers; & Air Spade	11.35	.57	1.30		
Class 6: Tunnel Men; Tile Layers & Bottom Men	11.45	.57	1.30		
Class 7: Caisson Diggers; & Dynamiters	11.60	.57	1.30		

LABORERS:
DeKalb County:
CLASS I
CLASS II
CLASS III

LABORERS: DeKalb County: CLASS I CLASS II CLASS III	Fringe Benefits Payments				Education and/or App. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
CLASS I	\$11.40	.65	.80		.035
CLASS II	11.60	.65	.80		.035
CLASS III	11.70	.65	.80		.035

CLASS I: Common Laborers; Carpenters' Tenders; Tool, Cribmen, Firemen, or
Salamander Tenders; Flamen; Gravel Box Men; Dumpmen & Spotters; Form Handlers;
Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers;
Landscapers; Unloading Explosives; Laying of Sod; Planting of Trees; Removal of
Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers;
Driving of Stakes; Stringlines for all Machinery; Rod & Chaimen with Technical
Engineers, with Land Surveyors, and Surveyors; Asphalt Workers with Machines and
Layers; Grade Checker; Signal Man on Cranes; Coring Machine Operator; Concrete
Workers (wet), on Concrete Paving; Placing, Cutting and Typing of Reinforcing
Steel Form Setters-Street and Highway

CLASS II: Scaffold Workers; Handling of Materials Treated with any Foreign
Matter Harmful to Skin or Clothing; Bulk Cement Handlers; Unloading of Re-Bars;
Tunnel Tenders in Free Air; Batch Dumpers; Mason Tenders; Kettle and Tar Men;
Tank Cleaners; Plastic Installers; Motorized Buggies or Motorized Unit Used for
Wet Concrete or Handling of Building Materials; Vibrator Operators; Mortar
Mixer Operators; Cement Silos; Clay Fly Ash; Lime and Plasters Handlers (Bulk
or Bag); Deck Hand; Dredge Hand and Shore Laborers; Bankmen on Floating Plant;
Power Tools; Material Selector (Firebrick or Castable Material); Chain Saw
Operators; Air Tamping Hammermen; Concrete Saw Operator; Front End Man on Chip
Spreader; Luteman; Asphalt Packer

CLASS III: Jackhammer and Drill Operators; Laborers with De-Watering Systems;
Bottom Sewer Workers Plus Depth; Cofferdam Workers Plus Depth; Caisson Workers
Plus Depth; Gunnite Nozzle Men; Leadman on Sewer Work; Welders, Cutters, Burners,
& Torchmen; Layout Man and/or Tile Layer; Screeman on Asphalt Pavers; Laborers
Tending Masons with Hot Material; Multiple Concrete Dust-Leadman; Curb Asphalt
Machine Operator; Ready-Mix Scalemen; Permanent, or Temporary Plant; Laser Beam
Operator; Concrete Burning Machine Operators; Underpinning and Shoring of
Building; Pump Men

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LABORERS:	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
DuPage & Will Counties; Common; Plasterer Tenders; Pumps for DeWatering and other Unclassified Laborers	.57	\$1.30			\$11.10
Cement Gun Laborers	.57	1.30			11.175
Scaffold Laborers and Chimney Laborers over 40'	.57	1.30			11.20
Windlass and Cement Gun Nozzle Laborers - Gunnite	.57	1.30			11.25
Stone Handlers and Derricks- men	.57	1.30			11.30
Jackhammermen	.57	1.30			11.325
Concrete Vibrator; Plumbers' Tenders; and Chain Saw Operator	.57	1.30			11.35
Firebrick and Boiler Setters' Tenders	.57	1.30			11.425
Chimney Tenders on Fire- brick; Caisson Diggers and Well Point System Men	.57	1.30			11.45
Boiler Setter Plastic Tenders	.57	1.30			11.55
Jackhammer on Firebrick ONLY	.57	1.30			11.675

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LABORERS: LAKE COUNTY SEWER & WATER MAIN EXTENSIONS	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
CLASS 1 General Laborers & Top Laborers & Flagmen	.57	1.10			\$ 8.55
CLASS 2 Second Bottom Men	.57	1.10			8.775
CLASS 3 Wall Point System-Jack- hammer Men (Tampers & Vibrators) Bottom Men, Pipelayers on Drains & Pipelayer Men; All Tunnel Work	.57	1.10			8.90
STREET PAVING & GRADE SEPARATION					
CLASS 1 General, Asphalt & As- phalt Plant Laborers; Flagmen	.57	1.10			8.55
CLASS 2 Laborers on Apcco, Birch Overman & Similar Spreader Equipment, Ma- chine Screws, Mitre B Spreaders	.57	1.10			8.825
CLASS 3 Form Setters; Well Point; Jackhammer (Tampers & Vibrators); Bottom Men; Pipelayers on Drains; Catch Basin Diggers & Manhole; Power Driven Concrete Saw	.57	1.10			8.90

DECISION NO. IL81-1028

DECISION NO. IL81-1028

POWER EQUIPMENT OPERATORS (Cont'd)

POWER EQUIPMENT OPERATORS:

Class 1
Class 2
Class 3
Class 4
Class 5

Basic Hourly Rates	Fringe Benefits: Payments			
	H & W	Pensions	Vacation	Education and/or Appl. Tr.
\$13.60	\$1.20	\$1.20	.70	.05
13.05	1.20	1.20	.70	.05
12.30	1.20	1.20	.70	.05
11.20	1.20	1.20	.70	.05
10.20	1.20	1.20	.70	.05

Class 1: Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Spreader; Autograder; Belt Loader; Caisson Rigs; Central Redmix Plant; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 375 cu. ft.; Concrete Placer; Concrete Tube Pile; Cranes, all attachments; Cranes, Lenden, Pecc and Machines of a like nature; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature; Derricks; All Derrick Boats; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature, 1 cu. yd. and over; Mucking Machine, under 1 cu. yd.; Piledrivers and Skid Rig; Pre-stress Machine; Pump Cretes, Drill, Dual Ram (requiring frequent lubrication and water); Rock Drill, Crane type; Slip Form Paver; Straddle Buggies; Tractor w/boom; Tractaire w/attachments; Trenching Machine; Underground Boring and/or Mining Machine, under 5 ft.; Wheel Excavator Widenor (Apsco)

Class 2: Mechanic-welder; Batch Plant; Bituminous Mixer; Bulldozer; Combination Backhoe Front End Loader Machine; Concrete Breaker of Hydro-hammer; Concrete Grinding Machine; Concrete Mixer or Paver, 75 Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine and Sealing Machine; Finishing Machine; Concrete Grader; Motor Patrol; Auto Patrol; Form Grader; Full Grader; Subgrader; Highlight Shovels or Front End Loader; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pump Cretes; Squeeze Cretes, Screw type Pumps; Cypsum Bulker and Pump; Rock Drill (self-propelled); Roto-tiller; Seaman, etc.; Self-propelled Scoops; Tractor drawn, self-propelled Compactor, Spreader, Chipstone, etc.; Scraper; Tank Car Heater; Tractor, push, pulling Sheep's foot, disc.; Compactor, etc.; Tug Boats

Class 3: Boilers; Boiler and Throttle Valve; Brooms, all power propelled; Cement Supply Tender; Compressor Throttle Valve; Concrete Mixer (2 bags and over); Conveyor, portable; Fireman on Boiler; Forklift Trucks; Greaser Engineer; Grouting Machine Hoists; Automatic Hoists; All Elevator Hoists; Tugger, single drum; Jeep Diggers; Pipe Power Saw, Concrete; Power-driven Pug Mills; Rollers, all; Steam Generators; Stone Crushers; Stump Machine; Winch Truck with "A" frame; Work Boats; Taper; Form Motor driven

Class 4: Air Compressors, all; Generators; Heaters; Mechanical Light Plants, all (1 through 5); Pumps, all; Pumps, well points; Tractaire; Welding Machines (2 through 6)

Class 5: Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: Minnesota
 COUNTRIES: See Below
 DATE: Date of Publication
 Decision Number: MN81-2029
 Supersedes Decision No. MN78-2060, dated May 26, 1978 in 43 FR 22912
 DESCRIPTION OF WORK: Heavy & Highway Construction

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & W	Pensions	Vacation	
COUNTRIES: Cottonwood, Lincoln, Lyon, Murray, Pipestone, Redwood & Yellow Medicine, Minnesota				
CARPENTERS	\$11.37			
CEMENT MASONS:				
Redwood, Lyon, Lincoln & Yellow Medicine Cos.	11.95	.25		
Pipestone, Murray & Cottonwood Cos.	11.70	.50		
ELECTRICIANS	8.10			
PLUMBERS & PIPEFITTERS	13.85	.70	1.50	.05
LABORERS:				
Unskilled	6.62	.30		
Asphalt Paver	6.91	.45		
POWER EQUIPMENT OPERATORS:				
Asphalt Plant	7.37			
Asphalt Distributor Spreaders	9.54	.46		
Backhoe	8.93			
Bulldozer	9.00			
Concrete Saw	8.43			
Cranes, Derricks & Draglines	10.32	.75		.05
Curb Setter	8.85	.50		
Front End Loader	8.73			
Mechanic	8.20	.45	.30	
Motor Patrol	8.79			
Pumill Operator	8.60	.45	.30	
Roller Operator	7.12	.45	.30	
Roller, Finish	8.32	.45	.30	
Turnapull	10.03	.75	.60	.05
TRUCK DRIVERS:				
Bituminous Distributor				
Driver	9.34	.45	.30	
Truck Driver, Tandem Axle	7.67	.45	.30	
Truck Driver, Five Axle	9.13	.46	.40	
Truck Driver, Lowboy	9.72	.65	.65	
Truck Driver, Over 16CY	9.72	.65	.65	
WELDERS-Rate for Craft				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clause (29 CFR, 5.5 (a) (1) (ii)).

[FR Doc. 81-18022 Filed 6-18-81; 8:45 am]
 BILLING CODE 4510-27-C

SUPERSEDES DECISION

STATE: NORTH CAROLINA
 COUNTRIES: Alexander, Alleghany, Ashe, Caldwell, Watauga, & Wilkes
 DATE: Date of Publication
 Decision Number: NC81-1249
 Supersedes Decision No.: NC79-1154, November 30, 1979, 44 FR 69114
 DESCRIPTION OF WORK: Residential Construction Projects (consisting of single family homes and apartments up to and including four stories)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & W	Pensions	Vacation	
AIR CONDITIONING MECHANICS	\$4.85			
BRICKLAYERS	5.50			
CARPENTERS	5.37			
CEMENT MASONS	4.50			
DRYWALL FINISHERS	5.00			
DRYWALL HANGERS	8.75			
ELECTRICIANS	5.11			
INSULATION INSTALLERS	6.00			
LABORERS:				
Pipelayers	5.00			
Unskilled	4.00			
PAINTERS:				
Brush	5.49			
Spray	6.00			
PLUMBERS AND PIPEFITTERS	5.50			
POWER EQUIPMENT OPERATORS:				
Backhoe	4.96			
Bulldozer	5.50			
Motor Grader	5.40			
Loader	6.00			
Pan-Scraper	5.25			
Roller	4.25			
Tractor	5.50			
ROOFERS	4.71			
SHEET METAL WORKERS	5.37			
SOFT FLOOR LAYERS & CARPET INSTALLERS				
WELDERS - Rate for Craft	5.75			
TRUCK DRIVERS	4.00			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

Federal Register

Friday
June 19, 1981

Part III

Department of the Interior

Bureau of Land Management

Outer Continental Shelf, Gulf of Mexico;
Sale No. A66; Notice of Sale and Notice
of Leasing Systems

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Outer Continental Shelf
Gulf of Mexico

Oil and Gas Lease Sale No. A66

1. Authority. This notice is published pursuant to the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1331-1343), as amended (52 Stat. 629), and the regulations issued thereunder (43 CFR Part 3300).

2. Filing of Bids. Sealed Bids will be received by the Manager, New Orleans Outer Continental Shelf (OCS) Office, Bureau of Land Management, Bala Boys Federal Building, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130. Bids may be delivered, either by mail or in person, to the above address until 4:15 p.m., c.s.t., July 20, 1981; or by personal delivery to the Louisiana Superdome, Gate "C", Hyatt Ramp, Level 200, Rooms 4 and 5, 1500 Poydras Street New Orleans, Louisiana between the hours of 8:30 a.m., c.s.t., and 9:30 a.m., c.s.t., July 21, 1981. Bids received by the Manager later than the times and dates specified above will be returned unopened to the bidders. Bids may not be modified or withdrawn unless written modification or withdrawal is received by the Manager prior to 9:30 a.m., c.s.t., July 21, 1981. All bids must be submitted and will be considered in accordance with applicable regulations, including 43 CFR Part 3300. The list of restricted joint bidders which applies to this sale was published in 46 FR 22270, April 16, 1981.

3. Method of Bidding. A separate bid in a sealed envelope, labeled "Sealed Bid for Oil and Gas Lease (insert number of tract)", not to be opened until 10:00 a.m., c.s.t., July 21, 1981" must be submitted for each tract. A suggested form appears in 43 CFR Part 3300, Appendix A for bonus bid tracts. Bidders are advised that tract numbers are assigned solely for administrative purposes and are not the same as block numbers found on official protection diagrams or leasing maps. All bids received shall be deemed submitted for a numbered tract. Bidders must submit with each bid one-fifth of the cash bonus

in cash or by cashier's check, bank draft, or certified check payable to the order of the Bureau of Land Management. No bid for less than a full tract as described in paragraph 1 will be considered. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder, in percent to a maximum of three decimal places after the decimal point, e.g., 50.1234, as well as submit a sworn statement that the bidder is not disqualified under 43 CFR Subpart 3316. The suggested form for this statement to be used in joint bids appears in 43 CFR Part 3300, Appendix B. Other documents may be required of bidders under 43 CFR 3316.4. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding System. The proposed notice of sale for sale A66 included 28 tracts to be offered under net profit share bidding with a fixed cash bonus. Meanwhile the Supreme Court granted certiorari to review the decision in the U.S. Court of Appeals for the District of Columbia Circuit in Energy Action Educational Foundation v. Andrews, Civil No. 79-1633. On June 12, 1981, the Court of Appeals ruled that experimentation with the net profit share bid system is not required prior to a decision by the Supreme Court. As a result no tracts will be offered under net profit share bidding with a fixed cash bonus for sale A66.

All leases awarded for this sale will provide for a yearly rental payment of \$3 per acre or fraction thereof. The following systems will be utilized:

(a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts A66-9, A66-10, A66-11, A66-12, A66-13, A66-17, A66-18, A66-19, A66-20, A66-21, A66-22, A66-23, A66-24, A66-25, A66-26, A66-27, A66-28, A66-29, A66-30, A66-31, A66-32, A66-33, A66-34, A66-35, A66-36, A66-37, A66-38, A66-39, A66-40, A66-41, A66-42, A66-43, A66-44, A66-45, A66-46, A66-47, A66-48, A66-49, A66-50, A66-51, A66-52, A66-53, A66-54, A66-55, A66-56, A66-57, A66-58, A66-59, A66-60, A66-61, A66-62, A66-63, A66-64, A66-65, A66-66, A66-67, A66-68, A66-69, A66-70, A66-71, A66-72, A66-73, A66-74, A66-75, A66-76, A66-77, A66-78, A66-79, A66-80, A66-81, A66-82, A66-83, A66-84, A66-85, A66-86, A66-87, A66-88, A66-89, A66-90, A66-91, A66-92, A66-93, A66-94, A66-95, A66-96, A66-97, A66-98, A66-99, A66-100, A66-101, A66-102, and A66-103 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent. Tracts A66-197, A66-198, A66-199,

8. Withdrawal of Tracts. The United States reserves the right to withdraw any tract from this sale prior to issuance of a written acceptance of a bid for the tract.

9. Acceptance or Rejection of Bids. The United States reserves the right to reject any and all bids for any tract. In any case, no bid for any tract will be accepted and no lease for any tract will be awarded to any bidder unless:

(a) The bidder has complied with all requirements of this notice and applicable regulations;

(b) The bid is the highest valid bid; and

(c) The amount of the bid has been determined to be adequate by the Secretary of the Interior.

No bonus bid will be considered for acceptance unless it provides for a cash bonus in the amount of \$25 or more per acre or fraction thereof.

10. Successful Bidders. Each person who has submitted a bid accepted by the Secretary of the Interior will be required to execute copies of the lease specified below, pay the balance of the cash bonus together with the first year's annual rental and satisfy the bonding requirements of 43 CFR Subpart 3118 within the time provided in 43 CFR 3116.5.

11. Leasing Maps/Official Protraction Diagrams. Tracts offered for lease may be located on the following leasing maps/official protraction diagrams which are available from the Manager, New Orleans Outer Continental Shelf Office at the address stated in paragraph 2.

(a) Outer Continental Shelf Leasing Maps - Texas Nos. 1 through 8.

These maps are arranged in two sets, Nos. 1 through 4 (7 maps), which sell for \$5 per set; and Nos. 5 through 8 (9 maps), which sell for \$7 per set.

266-200, 266-201, 266-202, and 266-203 will have a capital recovery factor equal to 1.0 and tracts 266-175 and 266-176 will have a factor of 0.50. All of the remaining tracts listed above will have a capital recovery factor equal to 0.25. The net profit share payment shall be calculated according to the Department of Energy regulations in 10 CFR 390 (45 FR 36784, May 30, 1980).

(b) Bonus Bidding with a 16-2/3 Percent Royalty. Bids on the remaining tracts to be offered at this sale must be submitted on a cash bonus basis with a fixed royalty of 16-2/3 percent. All leases awarded under this system will provide for a minimum annual royalty payment of \$3 per acre or fraction thereof.

5. Rural Opportunity. Each bidder must have submitted by 9:30 a.m., c.s.t., July 21, 1981, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form 1140-8 (November 1973), and the Affirmative Action Representation Form, Form 1140-7 (December 1971). See Item 14, "Information to Lessees."

6. Bid Opening. Bids will be opened on July 21, 1981, beginning at 10:00 a.m., c.s.t., at the Louisiana Superdome, at the address stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, July 21, 1981, that bid will be returned unopened to the bidder, as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks or bank drafts, submitted with a bid may be deposited in a suspense account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

- (b) Outer Continental Shelf Leasing Maps - Louisiana Nos. 1 through 12. This is a set of 27 maps which sells for \$17.
- (c) Outer Continental Shelf Official Protection Diagrams:

NO 15-1 East Breaks

NO 15-3 Green Canyon

These sell for \$2 each.

12. Tract Descriptions. The tracts offered for bids are as follows:

Notes: There may be gaps in the numbers of the tracts listed. Some of the blocks identified in the final environmental statement may not be included in this notice. Some of the blocks are included in prior environmental statements rather than the environmental statement for this sale.

TRACT LIST

Sale A66

OCS LEASING MAP, SOUTH PASS ISLAND AREA, TEXAS MAP NO. 1 (Approved July 16, 1954)

Tract	Block	Description	Acres
A66-1	1101	All	5760
A66-2	1102	All	5760

OCS LEASING MAP, SOUTH PASS ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 1A (Approved May 6, 1965)

Tract	Block	Description	Acres
A66-3	1117	All	5760
A66-4	A-62	All	5760

OCS LEASING MAP, NORTH PASS ISLAND AREA, TEXAS MAP NO. 2 (Approved July 16, 1954)

Tract	Block	Description	Acres
A66-5	938	All	5760
A66-6	965	1/2	5728.30

OCS LEASING MAP, NORTH PASS ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 2A (Approved May 6, 1965)

Tract	Block	Description	Acres
A66-7	A-9	All	5760
A66-8	A-27	All	5760
A66-9	A-51	All	5760
A66-10	A-92	All	5760
A66-11	A-93	All	5760
A66-12	A-103	All	5760
A66-13	A-104	All	5760

OCS LEASING MAP, MUSTANG ISLAND AREA, TEXAS MAP NO. 3 (Approved July 16, 1954; Revised October 27, 1961)

Tract	Block	Description	Acres
A66-14	844	All	5760

OCS LEASING MAP, GULFSTREAM AREA, EAST ADDITION, TEXAS MAP NO. 3A
(Approved January 23, 1967)

Tract	Block	Description	Acres
A66-15	760	All	5760
A66-16	A-83	All	5760
A66-17	A-107	All	5760
A66-18	A-113	All	5760
A66-19	A-117	All	5760
A66-20	A-118	All	5760
A66-21	A-120	All	5760
A66-22	A-121	All	5760

OCS LEASING MAP, GULFSTREAM AREA, SOUTH ADDITION, TEXAS MAP NO. 3A
(Approved September 24, 1959)

Tract	Block	Description	Acres
A66-23	567	All	5760
A66-24	652	All	5760
A66-25	672	All	5760
A66-26	681	All	5760
A66-27	695	1/2	892.63
A66-28	696	2/3	5372.72
A66-29	697	All	5760
A66-30	702	All	5760
A66-31	704	All	5760
A66-32	705	All	5760
A66-33	710	All	5760
A66-34	711	All	5760
A66-35	716	All	5760
A66-36	717	All	5760

OCS LEASING MAP, BRADDOCK AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acres
A66-37	410	1/2	1850
A66-38	432	All	5760
A66-39	453	All	5760
A66-40	500	All	5760
A66-41	A-3	All	5760
A66-42	A-10	All	5760
A66-43	A-30	All	5760
A66-44	A-33	All	5760
A66-45	A-34	All	5760
A66-46	A-42	All	5760

OCS LEASING MAP, GULFSTREAM AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acres
A66-47	238	All	5760
A66-48	258	All	5760
A66-49	321	All	5760
A66-50	323	All	5760
A66-51	350	All	5760
A66-52	388	All	5760
A66-53	A-35	All	5760
A66-54	A-38	All	5760
A66-55	A-84	All	5760
A66-56	A-113	All	5760

OCS LEASING MAP, GULFSTREAM AREA, SOUTH ADDITION, TEXAS MAP NO. 6A
(Approved September 24, 1959)

Tract	Block	Description	Acres
A66-57	A-127	All	5760
A66-58	A-210	All	5760
A66-59	A-224	All	5760
A66-60	A-227	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, TEXAS MAP NO. 7
(Approved July 16, 1954; Revised August 1955)

Tract	Block	Description	Acres
A66-61	19	3/4	3875.32
A66-62	162	All	5760
A66-63	163	All	5760
A66-64	169	All	5760
A66-65	170	All	5760
A66-66	A-6	All	5760
A66-67	A-24	All	5760
A66-68	A-26	All	5760
A66-69	A-33	All	5760
A66-70	A-34	All	5760
A66-71	A-35	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION, TEXAS MAP NO. 7A
(Approved January 23, 1967)

Tract	Block	Description	Acres
A66-72	84	All	5760
A66-73	85	All	5760
A66-74	118	All	5760
A66-75	119	All	5760
A66-76	A-170	All	5760
A66-77	A-171	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-78	A-476	All	5760
A66-79	A-487	All	5760
A66-80	A-501	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, EAST ADDITION,
SOUTH EXTENSION, TEXAS MAP NO. 7C
(Approved September 24, 1959)

Tract	Block	Description	Acreage
A66-81	A-138	All	5760
A66-82	A-344	All	5760

OCS LEASING MAP, SABINE PASS AREA, TEXAS MAP NO. 8
(Approved March 7, 1977)

Tract	Block	Description	Acreage
A66-83	40	All	1071.55
A66-84	44	All	260.11

OCS LEASING MAP, SABINE PASS AREA, LOUISIANA MAP NO. 12
(Approved March 7, 1977)

Tract	Block	Description	Acreage
A66-85	15	All	5000
A66-86	16	All	2033.83

OCS LEASING MAP, WEST CANYON AREA, LOUISIANA MAP NO. 1
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-87	63	All	5000
A66-88	94	All	5000
A66-89	95	All	5000
A66-90	111	W $\frac{1}{2}$ NE $\frac{1}{4}$	3750
A66-91	128	All	5000
A66-92	131	All	5000
A66-93	132	N $\frac{1}{2}$	2500
A66-94	148	All	5000
A66-95	153	All	5000
A66-96	192	N $\frac{1}{2}$	2500
A66-97	212	All	5000
A66-98	233	All	5000
A66-99	244	All	5000
A66-100	246	All	5000
A66-101	247	All	5000
A66-102	277	All	5000

OCS LEASING MAP, WEST CANYON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

Tract	Block	Description	Acreage
A66-103	287	All	5362.35
A66-104	296	All	4458.33
A66-105	303	All	5000
A66-106	311	All	5000
A66-107	320	All	5000
A66-108	364	All	5000
A66-109	369	All	5000
A66-110	386	All	5000
A66-111	392	All	5000
A66-112	413	All	5000
A66-113	425	All	5000
A66-114	432	All	5000

OCS LEASING MAP, WEST CANYON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1955)

Tract	Block	Description	Acreage
A66-115	492	All	5000
A66-116	535	All	5000
A66-117	536	All	5000
A66-118	574	All	5000
A66-119	622	All	5000
A66-120	623	All	5000
A66-121	641	All	5000
A66-122	644	All	5000

OCS LEASING MAP, EAST CANYON AREA, LOUISIANA MAP NO. 2
(Approved June 8, 1954; Revised August 1, 1973)

Tract	Block	Description	Acreage
A66-123	32	All	5000
A66-124	40	All	5000
A66-125	106	All	5000
A66-126	125	All	5000
A66-127	213	All	5000

OCS LEASING MAP, EAST CANYON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 2A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-128	249	All	5000
A66-129	312	All	5000
A66-130	328	All	5000
A66-131	366	All	5000

DATE	DESCRIPTION	AMOUNT
1900	TO BALANCE	100.00
1901	BY SALES	250.00
1902	BY SALES	300.00
1903	BY SALES	350.00
1904	BY SALES	400.00
1905	BY SALES	450.00
1906	BY SALES	500.00
1907	BY SALES	550.00
1908	BY SALES	600.00
1909	BY SALES	650.00
1910	BY SALES	700.00
1911	BY SALES	750.00
1912	BY SALES	800.00
1913	BY SALES	850.00
1914	BY SALES	900.00
1915	BY SALES	950.00
1916	BY SALES	1000.00
1917	BY SALES	1050.00
1918	BY SALES	1100.00
1919	BY SALES	1150.00
1920	BY SALES	1200.00
1921	BY SALES	1250.00
1922	BY SALES	1300.00
1923	BY SALES	1350.00
1924	BY SALES	1400.00
1925	BY SALES	1450.00
1926	BY SALES	1500.00
1927	BY SALES	1550.00
1928	BY SALES	1600.00
1929	BY SALES	1650.00
1930	BY SALES	1700.00
1931	BY SALES	1750.00
1932	BY SALES	1800.00
1933	BY SALES	1850.00
1934	BY SALES	1900.00
1935	BY SALES	1950.00
1936	BY SALES	2000.00
1937	BY SALES	2050.00
1938	BY SALES	2100.00
1939	BY SALES	2150.00
1940	BY SALES	2200.00
1941	BY SALES	2250.00
1942	BY SALES	2300.00
1943	BY SALES	2350.00
1944	BY SALES	2400.00
1945	BY SALES	2450.00
1946	BY SALES	2500.00
1947	BY SALES	2550.00
1948	BY SALES	2600.00
1949	BY SALES	2650.00
1950	BY SALES	2700.00
1951	BY SALES	2750.00
1952	BY SALES	2800.00
1953	BY SALES	2850.00
1954	BY SALES	2900.00
1955	BY SALES	2950.00
1956	BY SALES	3000.00
1957	BY SALES	3050.00
1958	BY SALES	3100.00
1959	BY SALES	3150.00
1960	BY SALES	3200.00
1961	BY SALES	3250.00
1962	BY SALES	3300.00
1963	BY SALES	3350.00
1964	BY SALES	3400.00
1965	BY SALES	3450.00
1966	BY SALES	3500.00
1967	BY SALES	3550.00
1968	BY SALES	3600.00
1969	BY SALES	3650.00
1970	BY SALES	3700.00
1971	BY SALES	3750.00
1972	BY SALES	3800.00
1973	BY SALES	3850.00
1974	BY SALES	3900.00
1975	BY SALES	3950.00
1976	BY SALES	4000.00
1977	BY SALES	4050.00
1978	BY SALES	4100.00
1979	BY SALES	4150.00
1980	BY SALES	4200.00
1981	BY SALES	4250.00
1982	BY SALES	4300.00
1983	BY SALES	4350.00
1984	BY SALES	4400.00
1985	BY SALES	4450.00
1986	BY SALES	4500.00
1987	BY SALES	4550.00
1988	BY SALES	4600.00
1989	BY SALES	4650.00
1990	BY SALES	4700.00
1991	BY SALES	4750.00
1992	BY SALES	4800.00
1993	BY SALES	4850.00
1994	BY SALES	4900.00
1995	BY SALES	4950.00
1996	BY SALES	5000.00
1997	BY SALES	5050.00
1998	BY SALES	5100.00
1999	BY SALES	5150.00
2000	BY SALES	5200.00
2001	BY SALES	5250.00
2002	BY SALES	5300.00
2003	BY SALES	5350.00
2004		

<u>Plant</u>	<u>Block</u>	<u>Description</u>	<u>Average</u>
66-183	87	All	3076.71
66-184	118	All	3185.01
66-185	120	All	2500
66-186	161	All	5000
66-187	162	All	5000
66-188	172	All	5000
66-189	176	All	5000

U.S. LESTER MAP, SOUTH KASBE ISLAND AREA, NORTH ADDITION, LOUISIANA MAP NO. 33
Approved April 16, 1971; Revised January 18, 1977

Tract	Block	Description	Amount
66-170	230	3/	297.00
66-171	233	All	434.78
66-172	245	All	5000
66-173	246	All	4901.00
66-174	266	All	5000

U.S. OFFICIAL PROTRACTION DIVISION, EAST BRIDGE RD 15-1
(Approved June 8, 1973; Revised January 27, 1976)

<u>Tract</u>	<u>Block</u>	<u>Description</u>	<u>Acres</u>
66-15	247	All	5760
66-18	248	All	5760

COCS LEASING MAP, WEST CANYON AREA, WEST ADDITION, LOUISIANA MAP NO. 1A
(Approved November 15, 1955; Revised January 30, 1957)

<u>Tract</u>	<u>Block</u>	<u>Description</u>	<u>Average</u>
66-177	289	All	5000
66-178	290	All	5000
66-179	347	All	5000

COCS LESTING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 15
(Approved September 8, 1958)

<u>Yacht</u>	<u>Block</u>	<u>Description</u>	<u>Amount</u>
66-180	499	All	5000
66-181	490	All	5000

[illegible]

<u>Test</u>	<u>Block</u>	<u>Description</u>	<u>Amount</u>
56-112	26	4/	380.24
56-113	30	All	461.38
56-114	33	All	5000
56-115	66	All	5000
56-116	79	All	5000
56-117	118	All	5000
56-118	120	All	5000
56-119	152	All	4814.57
56-140	153	All	5000
56-141	166	All	5000
56-142	167	All	5000
56-143	170	All	5000
56-144	173	All	5000
56-145	178	Dr. Dwyer; E. W. Smith; D. Smith;	4375
56-146	179	S. W. Smith; S. W. Smith;	4453.125
56-147	181	W. Smith; W. Smith; W. Smith;	4980.42
56-148	197	S. W. Smith; W. Smith; W. Smith;	5000
56-149	206	All	5000
56-150	222	All	5260.93

DOCS LEASING MAP, VERNILIN AREA, SOUTH ADDITION, LOUISIANA MAP NO. 33
(Approved September 8, 1959)

<u>Fract</u>	<u>Block</u>	<u>Description</u>	<u>Area</u>
66-151	257	All	5000
66-152	271	All	4417.50
66-153	292	All	4309.21
66-154	295	All	5000
66-155	296	All	5000
66-156	297	All	5000
66-157	303	All	5000
66-158	312	All	4237.01

COCS LENSING MAP, SOUTH WASH ISLAND AREA, LOUISIANA MAP NO. 3A
(Approved August 7, 1959)

Year	Block	Description	Amount
1864-1869	17	All	5000
1869-70	211	All	500
1870-71	178	All	515.75
1871-72	6	All	5000

OCS LEASING MAP, VERMILION AREA, LOUISIANA MAP NO. 3
(Approved June 8, 1954; Revised June 25, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-182	89	All	5000

OCS LEASING MAP, SOUTH WASH ISLAND AREA, LOUISIANA MAP NO. 2A
(Approved August 7, 1959)

Tract	Block	Description	Acreage
A66-183	34	All	5000

OCS LEASING MAP, SOUTH WASH ISLAND AREA, NORTCH ADDITION, LOUISIANA MAP NO. 2D
(Approved April 16, 1971; Revised January 18, 1972)

Tract	Block	Description	Acreage
A66-184	274	All	5035.27

OCS LEASING MAP, EUGENE ISLAND AREA, LOUISIANA MAP NO. 4
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-185	76	All	5000
A66-186	90	W $\frac{1}{2}$ S $\frac{1}{4}$	3750

OCS LEASING MAP, SHIP SHOAL AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
A66-187	14	S $\frac{1}{2}$	3237.50

OCS LEASING MAP, SHIP SHOAL AREA, SOUTH ADDITION, LOUISIANA MAP NO. 5A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-188	312	All	5300.60

OCS LEASING MAP, SOUTH TIBBLES AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
A66-189	77	All	5000
A66-190	160	All	5000
A66-191	209	All	5000

OCS LEASING MAP, SOUTH TIBBLES AREA, SOUTH ADDITION, LOUISIANA MAP NO. 6A
(Approved September 8, 1959; Revised July 22, 1959)

Tract	Block	Description	Acreage
A66-192	228	All	5000

OCS LEASING MAP, SOUTH PASS AREA, LOUISIANA MAP NO. 9
(Approved June 8, 1954; Revised July 22, 1954; Revised May 11, 1973)

Tract	Block	Description	Acreage
A66-193	56	T $\frac{1}{2}$	2959.84

OCS LEASING MAP, MAIN PASS AREA, LOUISIANA MAP NO. 10
(Approved June 8, 1954; Revised July 22, 1954)

Tract	Block	Description	Acreage
A66-194	108	All	4994.55
A66-195	126	All	4994.55

OCS LEASING MAP, MAIN PASS AREA, SOUTH AND EAST ADDITION, LOUISIANA MAP NO. 10A
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-196	265	All	4994.55

OCS OFFICIAL PROTRACTOR DIAGRAM, GREEN CANYON NG 15-3
(Approved February 15, 1973; Revised December 2, 1976)

Tract	Block	Description	Acreage
A66-197	133	All	5760
A66-198	135	All	5760
A66-199	139	All	5760
A66-200	140	All	5760
A66-201	180	All	5760
A66-202	181	All	5760
A66-203	182	All	5760

OCS LEASING MAP, SHIP ISLAND AREA, LOUISIANA MAP NO. 5
(Approved June 8, 1954)

Tract	Block	Description	Acreage
A66-204	171	All	5000

OCS LEASING MAP, SOUTH TIGALIER AREA, LOUISIANA MAP NO. 6
(Approved June 8, 1954; Revised July 22, 1954; Revised December 9, 1954)

Tract	Block	Description	Acreage
A66-205	34	All	3772.18

OCS LEASING MAP, WEST BELLA AREA, LOUISIANA MAP NO. 8
(Approved June 8, 1954)

Tract	Block	Description	Acreage
A66-206	78	All	5000

OCS LEASING MAP, WEST CAMERON AREA, SOUTH ADDITION, LOUISIANA MAP NO. 1B
(Approved September 8, 1959)

Tract	Block	Description	Acreage
A66-207	575	All	5000

OCS LEASING MAP, BRADIS AREA, TEXAS MAP NO. 5
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-208	(438 & (439	1/	5055

OCS LEASING MAP, GULFSTON AREA, TEXAS MAP NO. 6
(Approved July 16, 1954)

Tract	Block	Description	Acreage
A66-209	241	1/5	2880
A66-210	277	All	5760
A66-211	426	All	5760

OCS LEASING MAP, HIGH ISLAND AREA, SOUTH ADDITION, TEXAS MAP NO. 7B
(Approved September 22, 1959)

Tract	Block	Description	Acreage
A66-212	A-543	All	5760

1/ That portion of the lease block seaward of the Three Marine League line.

2/ That portion of the lease block seaward of the Three Marine League line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 833).

3/ That portion of the lease block seaward of the Three Marine League line and/or that portion of the lease block seaward of the Three Marine League line measured from the historic shoreline described in the United States vs. Louisiana, No. 9 Original (394 U.S. 833). The NEU of the lease block controlled by the historic shoreline and the NWU of the lease block controlled by the present day shoreline.

4/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13).

5/ A portion of Block 230, OCS Leasing Map, South Marsh Island Area, North Addition, Louisiana Map No. 33, described as follows:

Beginning at the southwest corner of Block 230, the coordinates of which referred to the Louisiana (Lambert) Coordinate System (South Zone), are X=1,765,446.562 and Y=240,149.987;

From the initial corner,

East 32,103.438 ft. to X=1,777,550.00 Y=245,149.987
N. 64° 35' 31" W. 4,428.32 ft. to X=1,773,550.00 Y=248,045.00
E. 65° 02' 11" W. 4,518.85 ft. to X=1,769,450.00 Y=249,850.00
S. 64° 35' 41" W. 4,431.47 ft. to X=1,765,446.562 Y=251,850.00
South 5,700.013 ft. to the point of beginning.

The position of the corners and direction of the lines are referred to the Louisiana (Lambert) Coordinate System (South Zone).

6/ That portion of the lease block which is more than three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, June 16, 1975 (United States vs. Louisiana, 422 U.S. 13) excluding the 555.

7/ That portion of the lease block located landward of a line which is three geographical miles seaward from the line described in the supplemental decree of the U.S. Supreme Court, December 13, 1954 (United States vs. Louisiana No. 9 Original (394 U.S. 833)).

13. Lease Terms and Stipulations. All leases issued as a result of this sale will be for an initial term of 5 years. Leases issued as a result of this sale will be on Form 3300-1 (September 1978), available from the Manager, New Orleans Outer Continental Shelf Office, at the address stated in paragraph 2.

(a) For leases resulting from this sale for tracts offered on a cash bonus basis with a fixed net profit share listed in paragraph 4 (a), Form 3300-1 will be amended as follows:

Sec. 4 Rentals. The phrase "which commences prior to a discovery

in paying quantities of oil or gas on the leased area" is hereby

deleted and replaced by "which commences prior to the date the

first net profit share payment becomes due."

Sec. 5. Minimum Royalty. Hereby deleted.

Sec. 6. Royalty on Production. Hereby replaced by Net Profit Share.

The lessee agrees to pay a net profit share rate of 50 percent with

a ____ capital recovery factor, calculated pursuant to 10 CFR 390.

(b) Except as otherwise noted, the following stipulations will be

included in each lease resulting from this sale. In the following stipulations

the term DCM refers to the Deputy Conservation Manager for Field Operations,

Gulf of Mexico OCS Region, U. S. Geological Survey and the term Manager refers

to the Manager of the New Orleans OCS Office of the Bureau of Land Management.

Stipulation No. 1

If the DCM, having reason to believe that a site, structure or object of historical or archaeological significance hereinafter referred to as "cultural resource," may exist in the lease area, gives the lessee written notice that the lessor is invoking the provisions of this stipulation, the lessee shall upon receipt of such notice comply with the following requirements:

Prior to any drilling activity or the construction or placement of any structure for exploration or development on the lease, including, but not limited to, well drilling and pipeline and platform placement, hereinafter in this stipulation referred to as "operation," the lessee shall conduct rearing surveys to determine the potential existence of any cultural resource that may be affected by such operations. All data produced by such rearing surveys as well as other pertinent natural and cultural environmental data shall be examined by a qualified marine survey archaeologist to determine if indications are present suggesting the existence of a cultural resource that may be adversely affected by any lease operation. A report of this survey and assessment prepared by the marine survey archaeologist shall be submitted by the lessee to the DCM and to the Manager for review.

If such cultural resource indicators are present the lessee shall: (1) locate the site of such operation so as not to affect adversely the identified location; or (2) establish, to the satisfaction of the DCM, on the basis of further archaeological investigation conducted by a qualified marine survey archaeologist or underwater archaeologist using such survey equipment and techniques as deemed necessary by the DCM either that such operation will not adversely affect the location identified or that the potential cultural resource suggested by the occurrence of the indicators does not exist.

A report of this investigation prepared by the marine survey archaeologist or underwater archaeologist shall be submitted to the DCM and the Manager for review. Should the DCM determine that the existence of a cultural resource which may be adversely affected by such operation is sufficiently established to warrant protection, the lessee shall take no action that may result in an adverse effect on such cultural resource until the DCM has given directions as to its preservation.

The lessee agrees that if any site, structure or object of historical or archaeological significance should be discovered during the conduct of any operations on the leased area, he shall report immediately such findings to the DCM and make every reasonable effort to preserve and protect the cultural resource from damage until the DCM has given directions as to its preservation.

Stipulation No. 2

(To be included only in leases resulting from this sale for Tracts A66-19 and A66-20).

(a) No structures, drilling rigs, or pipelines will be allowed within the 70 m isobaths of Arkansas Bank nor within 68 m isobath of North Hospital Bank as shown in Figure 2. (Attached to and made a part of this lease).

(b) All operations within the areas shown as "1 Mile Zone" in Figure 2 shall be restricted by shutting all drill cuttings and drilling fluids to the bottom through a decolpize that terminates an appropriate distance, but no more than six meters, from the bottom.

(c) Development and production operations within the areas shown as "3 Mile Zone" in Figure 2 shall be restricted by shutting all drill cuttings and drilling fluids to the bottom through a decolpize that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation No. 3

(To be included only in the lease resulting from this sale for Tract A66-18).

Development and production operations within the area of South Baker Bank shown as "3 Mile Zone" in Figure 3 (attached to and made a part of this lease) shall be restricted by shutting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

Stipulation No. 4

(To be included only in leases resulting from this sale for Tracts A66-79 and A66-80).

Operations within the area of Stetson Bank shown as "3 Mile Zone" in Figure 4 (attached to and made a part of this lease), shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shutting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than six meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified, independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the ROM on a schedule established by the ROM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the ROM shall require shuttling as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 5

(To be included only in leases resulting from this sale for Tracts A66-156 and A66-157).

Operations within the area of Somier Banks shown as "3 Mile Zone" in Figure 5 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

(a) All drill cuttings and drilling fluids must be disposed of by shutting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the ROM on a schedule established by the ROM, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the ROM shall require shuttling as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 6

(To be included only in leases resulting from this sale for Tracts A66-156, A66-157, A66-158, and A66-159).

(a) Operations within the area of Alderice Bank shown as "1 Mile Zone" in Figure 6 (attached to and made a part of this lease) shall be restricted by shutting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(b) Operations within the area shown as "3 Mile Zone" in Figure 6 shall be restricted as specified in either (1) or (2) below at the option of the lessee.

(1) All drill cuttings and drilling fluids must be disposed of by shutting the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.

(2) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.

The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DON on a schedule established by the DON, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DON shall require shuttling as specified in (1) above or other appropriate operational restrictions.

Stipulation No. 7

(To be included only in the lease resulting from this sale for Tract A66-183).

Operations within the area of Diapirus Bank shown as "3 Mile Zone" in Figure 7 (attached to and made a part of this lease) shall be restricted as specified in either (a) or (b) below at the option of the lessee.

- (a) All drill cuttings and drilling fluids must be disposed of by shuttling the material to the bottom through a downpipe that terminates an appropriate distance, but no more than ten meters, from the bottom.
 - (b) The operator (lessee) shall submit a monitoring plan. The monitoring plan will be designed to assess the effects of oil and gas exploration and development operations on the biotic communities of the nearby banks.
- The monitoring program shall indicate that the monitoring investigations will be conducted by qualified independent scientific personnel and that these personnel and all required equipment will be available at the time of operations. The monitoring team will submit its findings to the DON on a schedule established by the DON, or immediately in case of imminent danger to the biota of the bank resulting directly from drilling or other operations. If it is decided that surface disposal of drilling fluids or cuttings presents no danger to the bank, no further monitoring of that particular well or platform will be required. If, however, the monitoring program indicates that the biota of the bank are being harmed, or if there is a great likelihood that operation of that particular well or platform may cause harm to the biota of the bank, the DON shall require shuttling as specified in (a) above or other appropriate operational restrictions.

Stipulation No. 8

(To be included only in leases resulting from this sale for tracts A66-1 through A66-13, A66-15 through A66-22, and A66-26 through A66-36).

Whether or not compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf, to any persons or to any property of any person or persons who are agents, employees or invitees of the lessee, its agents, independent contractors, or subcontractors doing business with the lessee in connection with any activities being performed by lessee in, on, or above the Outer Continental Shelf if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with the programs and activities of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas.

Notwithstanding any limitation of the lessee's liability in Sec. 14 of the lease form, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of their officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, and to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors, subcontractors, or any of their officers, agents, or employees and whether such claims might be sustained under a theory of strict or absolute liability or otherwise.

The lessee agrees to control his own electromagnetic emissions and those of his agents, employees, invitees, independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing or operational activities, conducted within designated warning areas.

Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area, provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, independent contractors or subcontractors and onshore facilities.

The lessee when operating or causing to be operated on its behalf boat or aircraft traffic into the individual designated warning areas shall enter into an agreement with the commander of the Naval Air Training Command, Naval Air Station, Corpus Christi, Texas, or utilizing an individual designated warning area prior to commencing such traffic. Such agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Stipulation No. 9

(To be included only in leases resulting from this sale for tracts A6F-13, A6G-175, A6G-176, A6G-193, and A6G-197 through A6G-203).

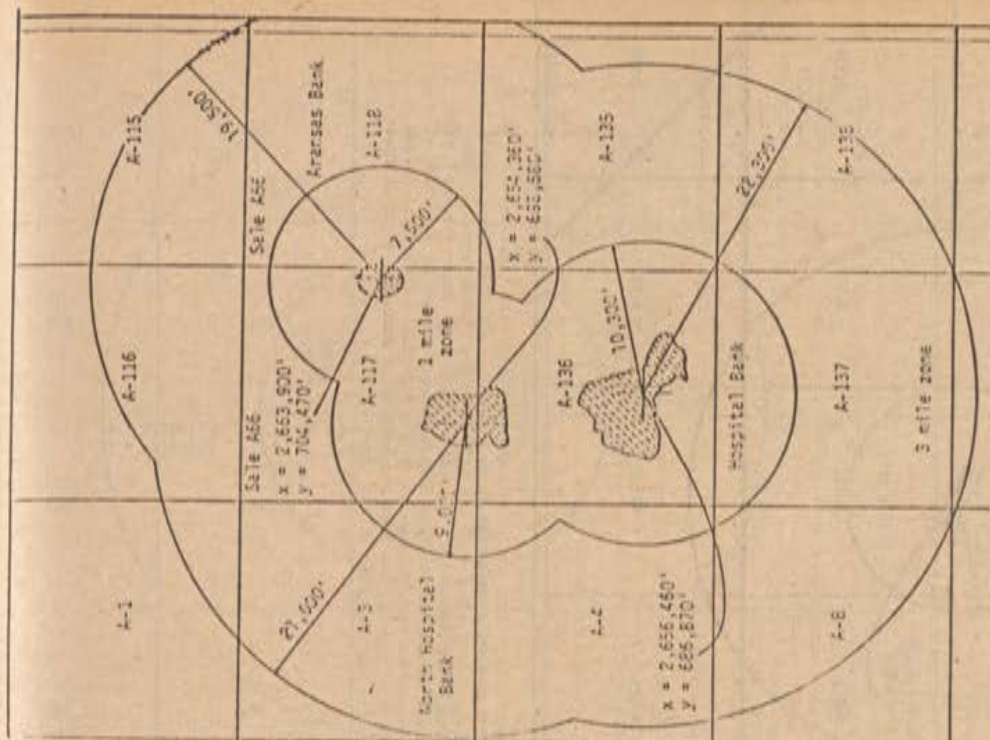
All or portions of this lease may be subject to mass movement of sediments, unstable slopes or shallow faults. Exploratory drilling operations, emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas, and the emplacement of pipelines will not be allowed within the potentially unstable portions of this lease block unless or until the lessee has demonstrated to the DCU's satisfaction that mass movement of sediments is unlikely or that exploratory drilling operations, structures (platforms), casing, wellheads and pipelines can be safely designed to protect the environment in case such mass movement occurs at the proposed location. This may necessitate that all exploration for and development of oil or gas be performed from locations outside of the area of unstable sediments, either within or outside of this lease block.

If exploratory drilling operations are allowed, site-specific surveys shall be conducted to determine the potential for unstable bottom conditions. If emplacement of structures (platforms) or seafloor wellheads for production or storage of oil or gas are allowed, all such unstable areas must be mapped. The DCU may also require soil testing before exploration and production operations are allowed.

Stipulation No. 10

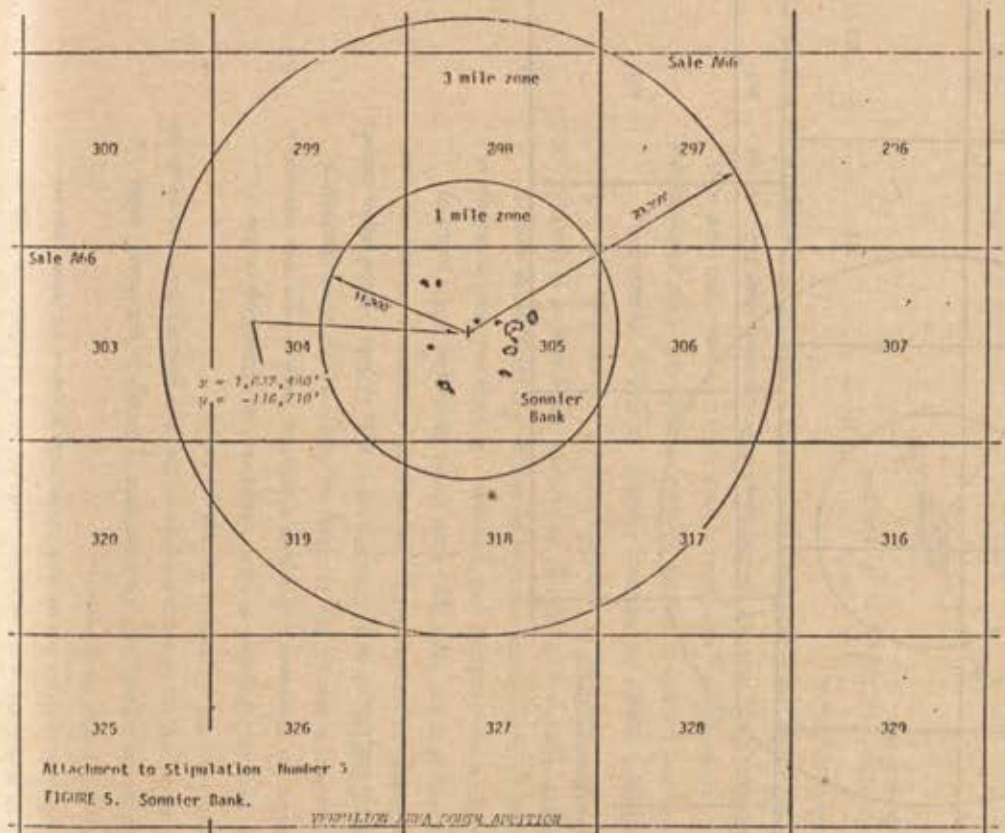
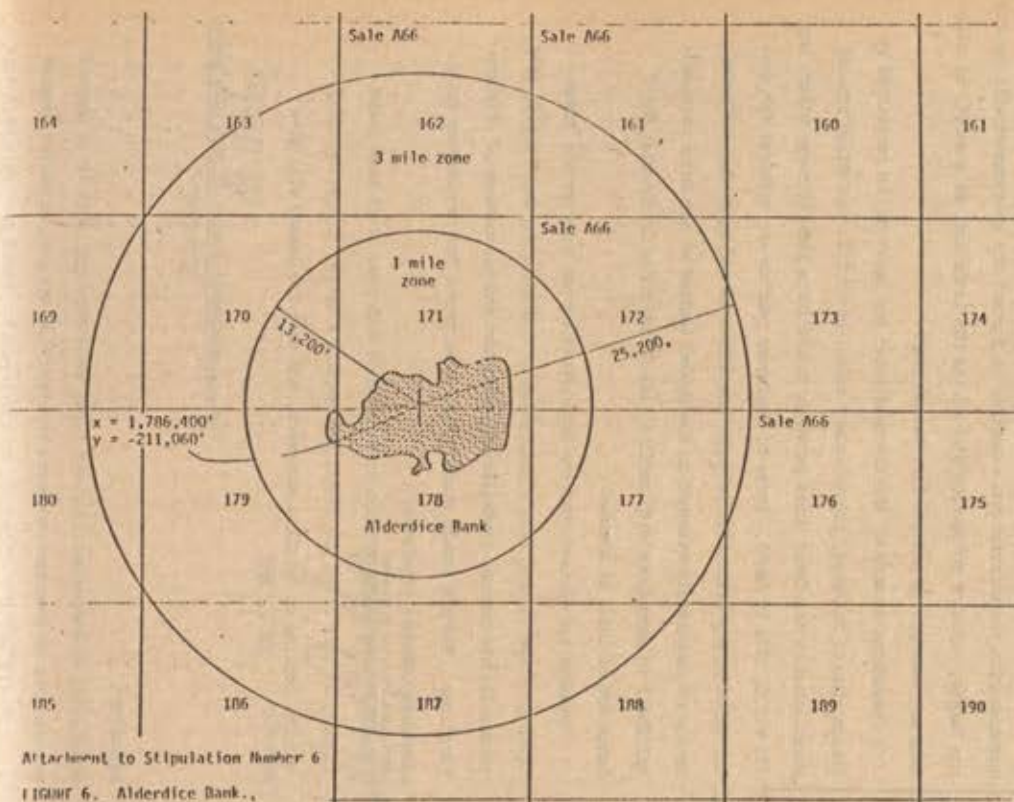
(To be included only in the leases resulting from this sale for the net profit share tracts listed in paragraph 4(a) of this notice).

The net profit share payment specified in section 6 of this lease may be satisfied in whole or in part by the lessor taking production in amount rather than in value, however, not more than 16 2/3 percent of the production saved, removed or sold from the lease area may be taken as a net profit share payment in amount, except as provided in Sec. 15(d); additional net profit share payments shall be calculated to include the value of such production in excess of 16 2/3 percent.



Attachment to Stipulation Number 2

FIGURE 2. North Hospital and Arkansas Banks.



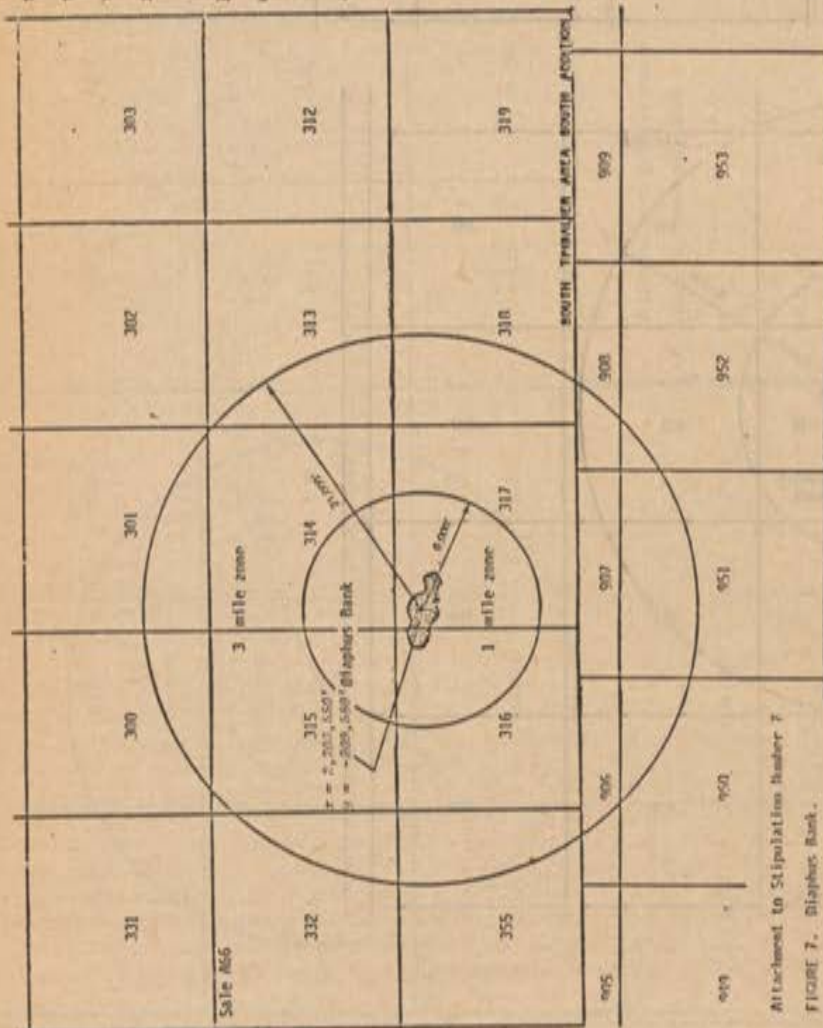
14. Information to Lessees. The Department of the Interior will seek the advice of the States of Texas, and Louisiana and other Federal agencies, to identify areas of special concern which might require appropriate protective measures for live bottom areas and areas which might contain cultural resources.

If it is determined that live bottom areas might be adversely affected by the proposed activities then the Deputy Conservation Manager for Field Operation, USGS, in consultation with the Regional Director, Fish and Wildlife Service (FWS), the Manager, ERM, the States, EPA, and other Federal agencies with jurisdiction and expertise to protect the environment will require the lessee, pursuant to Section 5(a) of the OCS Lands Act, as amended, to undertake any measures to protect live bottom areas.

Operations on some of the tracts offered for lease may be restricted by designation of fairways, precautionary zones, or traffic separation schemes established by the Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.). Corps of Engineers permits are required for construction of any artificial islands, installations and other devices permanently or temporarily attached to the seabed located on the Outer Continental Shelf in accordance with section 4(e) of the Outer Continental Shelf Lands Act of 1953, as amended.

Bidders are advised that the Departments of the Interior and Transportation have entered into a Memorandum of Understanding dated May 6, 1976, concerning the design, installation, operation and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

Bidders are advised that in accordance with Sec. 16 of each lease offered at this sale, the lessor may require a lessee to operate under a unit, pooling or drilling agreement, and that the lessor will give



Attachment to Stipulations Number 7
FIGURE 7. Diapylus Bank.

particular consideration to requiring unitization in instances where one or more reservoirs underlie two or more leases with either a different royalty rate or a net profit share payment.

Bidders are advised that the Department of Energy is authorized, under

Section 302(b) and (c) of the Department of Energy Organization Act, to establish production rates for all Federal oil and gas leases.

Revisions of Department of Labor regulations on Affirmative Action requirements for Government Contractors (including lessees) have been assigned a deferred effective date of June 29, 1981, pending review of those regulations (see Federal Register of April 28, 1981, at 46 F.R. 23742). Should those changes become effective at any time before the issuance of leases resulting from this sale, Section 18 of the lease form, Form 3300-1 (September 1978), would be deleted from leases resulting from this sale. In addition, existing stocks of the Affirmative Action Forms described in section 5 of this notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1) regarding the aggregate value of contracts over a 12-month period (see the Federal Register of December 30, 1980, at 45 F.R. 86231-86232).

Pending the issuance of revised versions of Forms 1140-7 and 1140-8 by the Bureau of Land Management, submission of Form 1140-7 (December 1971) and Form 1140-8 (November 1973) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing Affirmative Action Forms.

[FR Doc. 81-18071 Filed 6-18-81; 8:45 am]
BILLING CODE 4310-04-C

15. OCS Orders. Operations on all leases resulting from this sale will be conducted in accordance with the provisions of all Gulf of Mexico Orders, as of their effective date, and any other applicable OCS Order as it becomes effective.

Ed Hasley
Assistant Director, Bureau of Land Management
Ed Hasley

Approved: JUN 17 1981

Donald Paul Hodel
Under Secretary of the Interior
Donald Paul Hodel

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management

Outer Continental Shelf, Gulf of Mexico

Notice of Leasing Systems, Sale No. A66

Sec. 8(a)(8) (43 U.S.C. 1337 (a)(8)) of the Outer Continental Shelf (OCS) Lands Act, as amended, requires that, at least 30 days before any lease sale, a notice be submitted to the Congress and published in the Federal Register:

- (A) identifying the bidding systems to be used and the reasons for such use; and
- (B) designating the tracts to be offered under each bidding system and the reasons for such designation.

This notice is published pursuant to these requirements.

A. Bidding systems to be used. In OCS Sale No. A66, tracts will be offered under the following two bidding systems as authorized by Sec. 8(a)(1) (43 U.S.C. 1337 (a)(1)): (1) bonus bidding with a fixed net profit share on 24 tracts and (2) bonus bidding with a fixed 16-2/3 percent royalty on 188 tracts.

(1) Bonus Bidding with a Fixed Net Profit Share. This system is authorized by Sec. 8(a)(1)(D) of the OCS Lands Act, as amended. This system was established by Department of Energy (DOE) regulations effective May 14, 1980. OCS Sales A62, 55, and 62 included an offering of a total of 150 tracts under this system. The profit share system designed for this sale may increase competition by generating greater contingency payments to the Government and thereby reducing the initial cash bonus. It may also increase the volume of production, because certain allowable capital costs can be deducted prior to any liability for profit share payments. In addition, the profit share system may foster the development of marginal fields when compared to a royalty system since the Government shares more of the risk and the lessee's incremental costs are lower in the presence of a capital recovery.

A profit share system which uses cash bonus as the bid variable avoids percentage bids at high levels which would make future development either economically inefficient or simply uneconomic. In addition, it is easier to administer and unitize adjacent tracts with similar profit share rates.

Furthermore, a fixed profit share better assures that firms who can produce at lower costs are more likely to obtain leases than would be the case if it were possible for less efficient firms to simply bid away higher percentages of lower profits.

For 15 tracts, firms will be permitted an additional recovery factor of 0.25 over their actual allowable costs before any profit share payments are due. Two tracts will have an additional recovery factor of 0.50 and seven tracts will have a 1.00 capital recovery factor. The profit share rate selected for this sale is 50 percent. These parameters were selected on the basis of DOE and DOI studies regarding the effect on bonuses, profit-share payments, government receipts, gross production, minimal economic tract sizes, and particularly on the incentive to alter the production profile.

(2) Bonus Bidding with a 16-2/3 Percent Royalty. This system is authorized by Sec. 8(a)(1)(A) of the OCS Lands Act, as amended. This relatively low royalty rate system has been used extensively since the passage of the OCS Lands Act in 1953 and imposes greater risks on the lessee, but may yield more rewards (i.e., lower contingency payments to the Government) if a commercial field is discovered. The relatively high front-end payments required may encourage rapid exploration. The use of this system will provide data to compare the performance of the alternative systems.

B. Designation of Tracts. The selection of tracts to be offered under the two systems was based on the following factors:

(b) Bonus Bidding with 16-2/3 Percent Royalty—All remaining tracts.

Ed Hastey
Assistant Director, Bureau of Land Management

Approved: JUN 17 1981

Donald Paul Hodel
Under Secretary of the Interior
Donald Paul Hodel

(1) Lease terms on adjacent tracts were considered in order to reduce administrative costs and barriers to unitization, and to enhance orderly development of each field.

(2) A sufficient number of tracts was needed to permit valid statistical analysis while limiting the risks of losses caused by unforeseen problems which could arise in the use of any new bidding system. The number of tracts must also be consistent with the requirements of Sec. 8(a)(5)(B) of the OCS Lands Act, as amended.

(3) The range and distribution of the characteristics of tracts were to be comparable for statistical purposes. Such characteristics include estimated resources, water depth, structure depth, favorable vs. unfavorable location of tracts on structures, and the location of tracts across trends.

The specific tracts to be offered under each system are as follows.

- (a) Bonus Bidding with a Fixed Net Profit Share: Bids on tracts A66-9, A66-10, A66-11, A66-12, A66-13, A66-17, A66-51, A66-58, A66-59, A66-60, A66-67, A66-68, A66-69, A66-70, A66-71, A66-175, A66-176, A66-197, A66-198, A66-199, A66-200, A66-201, A66-202, and A66-203 must be submitted on a cash bonus basis with a fixed net profit share rate of 50 percent. Tracts A66-197, A66-198, A66-199, A66-200, A66-201, A66-202, and A66-203 will have a capital recovery factor equal to 1.0 and tracts A66-175 and A66-176 will have factor of 0.50. All of the remaining tracts listed above will have a capital recovery factor equal to 0.25.

federal register

Friday
June 19, 1981

Part IV

Department of Labor

Office of the Secretary

Redwood Employee Protection Program

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 92

Redwood Employee Protection Program

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: The Department of Labor is responsible for administering the Redwood Employee Protection Program established by Title II of the Redwood National Park Expansion Act of 1978 (Pub. L. 95-250). Under Title I of the Act, employees whose jobs were lost as a result of this Park expansion were designated to receive preference in hiring for both Federal civilian jobs and jobs with certain private employers. In addition, under Title II of the Act, these employees were provided with a program of income and benefit maintenance, and with retraining, job search, and job relocation allowances. Any layoff between May 31, 1977 and September 30, 1980, was conclusively presumed to be related to the expansion of the Redwood National Park.

The Department of Labor proposed to amend its regulations to establish criteria to be used in determining applicant eligibility for Redwood Employee Protection Program (REPP) benefits based on layoffs occurring subsequent to September 30, 1980. The proposed amendments to the regulations were issued in the *Federal Register* (46 FR 16827) on March 13, 1981. These regulations are similar to the proposed, but are modified in some respects as a result of comments.

EFFECTIVE DATE: June 19, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Johnson of the Department of Labor at (202) 523-6495. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: Proposed rulemaking was published on March 13, 1981, and invited comments for 30 days ending April 13, 1981. Comments were received from 8 sources including individuals, representatives of affected workers, regional, Federal and State agencies. The following summarizes the comments received and the actions taken.

Discussion of Major Comments

General

This final rule provides eligibility for REPP benefits to a covered employee who suffers a layoff between October 1, 1980 and September 30, 1984, provided

the cause of the layoff is found to be related to the expansion of the Park.

One commenter sought clarification on whether or not the authority exists to extend the coverage of the REPP by more than one year at a time.

The authority to extend the qualifying period by no more than one year at a time, for good cause, is contained in section 203 on the Act. The Secretary is unaware of any evidence of good cause, required for an extension of the qualifying period and the conclusive presumption. However, the Department is aware that some separations occurring after September 30, 1980 may be related to the Park expansion. Therefore, the authority given to the Secretary in section 201(11) of the Act to determine a covered employee to be an affected employee is being exercised to establish the criteria contained in § 92.15(a) of this regulation.

Additionally, this commenter noted that if the rule extends the qualifying period, under circumstances determined to be related to the Park expansion, it should provide a similar extension of the obligation for a worker to repay a severance payment under the REPP if the worker returns to employment "in the industry" after September 30, 1980.

As this amendment to the final rule implements the Secretary's authority under section 201(11) of the Act and not under a general extension of the qualifying period contained in section 203 of the Act, the amendment does not affect the worker's repayment obligation under section 208(e) of the Act.

One commenter stated that the proposed rule was only recently available at the local California EDD office, in violation of section 213(e) of the Act.

Upon publication of the proposed rule in the *Federal Register*, the Department made reasonable efforts to assure that copies were available to the public during the comment period. This was accomplished by mailing copies to numerous individuals and worker representatives in the Eureka area, including distributions through the Department of Labor's regional office in San Francisco to the California Employment Development Department, and a regional press release announcing the publication of the proposed rule and the name of a contact person for information.

Legislative Intent

This final rule establishes eligibility criteria for use in determining qualifying separations occurring between October 1, 1980 and September 30, 1984. A worker who suffered a qualifying layoff during the "window period" beginning

May 31, 1977 and ending September 30, 1980, was conclusively presumed to have been laid off due to the expansion of the Redwood National Park. However, if the worker returned to the original employer from whom he/she was laid off, in a job paying at least 90 percent of his/her REPP weekly benefit amount, then in accordance with section 92.15(a), the worker must suffer a subsequent layoff determined to be related to the Park expansion in order to establish eligibility for REPP benefits.

Several commenters objected to this interpretation by the Department and maintain that this is a basic change in the Act which in their opinion would require Congressional approval. It is felt by these commenters that this interpretation fundamentally alters the legislative intent, which was for workers affected by the Park expansion to be protected and to receive benefits during periods of layoff until 1984, regardless of whether they were able to obtain comparable employment for limited periods of time after their first layoff. Additionally, they feel this final rule will create an unstable situation for affected workers receiving REPP benefits and will create economic havoc in the local community.

The thrust of their interpretation is that the Secretary's authority concerning continued eligibility is wholly proscribed by section 205(b) of the Act. This section requires registration with the Employment Service, which incorporates the eligibility tests of the California UI Code, and requires that the period of protection for the worker not be exhausted. They maintain that section 205(b) and section 207(e)(1) of the Act, when read concurrently, show that Congress adopted the California UI Code as the sole standard for disqualifying REPP recipients following subsequent job separations in full contemplation of the fact that many of those jobs would be with affected employers.

Finally, these commenters argue that a reading of the language of the statute should make it clear that their interpretation is the only reasonable one, and even if the interpretation of the Department were reasonable, then Section 213(f) of the Act would specifically direct the Secretary to adopt that construction which is most favorable to employees.

Section 203 provides in pertinent part as follows:

The total or partial layoff of a covered employee employed by an affected employer during the period beginning May 31, 1977, and ending September 30, 1980, * * * is conclusively presumed to be attributable to

the expansion of the Redwood National Park * * * Any covered employee laid off during that period by an affected employer shall be considered an affected employee at any time said employee is on such layoff within the period ending September 30, 1984 * * *

Based on this language it was widely assumed that a covered employee who was laid off during the "window period" (May 31, 1977 to September 30, 1980) automatically became eligible for REPP benefits during any subsequent layoff until September 30, 1984.

The Department has determined that the plain meaning of this section of the Act is that a covered employee laid off during the window period shall continue to be automatically eligible for REPP benefits only for as long as the employee remains on such layoff. The Department believes that any employee who has returned to work for his affected employer and who suffers a layoff again after September 30, 1980, can no longer be said to be on the layoff which initially qualified him or her for benefits ("such layoff"). There is no conclusive presumption that the subsequent layoff is attributable to the Park expansion because that presumption terminated September 30, 1980.

It is the Department's position that a layoff occurring after September 30, 1980 will not be qualifying for REPP benefits unless the cause of the layoff is attributable to the Park expansion.

When to Apply

Section 92.11(a) of the proposed rule permitted the filing of a claim for REPP benefits based on a layoff occurring before September 30, 1980 or in accordance with the new § 92.15.

Several commenters noted that the proposed amendment to § 92.11(a) deleted the provision that a layoff must occur on or after May 31, 1977. The Department has revised this section to reflect that a layoff must occur on or after May 31, 1977.

Layoffs After September 30, 1980

Section 92.15 of the proposed rule did not distinguish between a worker who was laid off during the "window period" (May 31, 1977 to September 30, 1980) and one who had not suffered a separation prior to October 1, 1980. A worker seeking to reestablish eligibility for REPP benefits or one seeking to establish initial eligibility based on a layoff subsequent to September 30, 1980, must have such layoff determined to be of a qualifying nature under § 92.15(a).

Several commenters indicated that there is a legitimate purpose for this final rule to establish criteria for determining initial eligibility for REPP

benefits based on layoffs subsequent to September 30, 1980. However, these commenters maintained that it is totally inappropriate to require recipients who qualified during the "window period" to requalify under § 92.15(a).

Other commenters maintained that it was not the intent of the Act to permit individuals who did not suffer a layoff during the "window period" now to establish initial eligibility for REPP benefits based on a layoff after September 30, 1980.

Consistent with the language of section 203 of the Act, an employee who is no longer on "such layoff", because he/she has returned to work for the affected employer from whom the original qualifying layoff occurred, in a position paying at least 90 percent of the worker's REPP weekly benefit amount, must requalify by suffering a subsequent separation determined to be qualifying under § 92.15(a).

Pursuant to section 201(11) of the Act, the Department has determined that a worker who did not suffer a layoff during the "window period" should be provided the same opportunity, as previously affected employees, to qualify for REPP benefits based on a layoff after September 30, 1980, which is determined to be related to the Park expansion.

What is a Short-Term Recall?

Section 92.15(a)(1) of the proposed rule provided eligibility for REPP benefits to workers who are recalled for short-term employment with their original affected employer.

Many commenters indicated that a definition of short-term recall was required. Additionally, one commenter felt that the situation of a recall of a seasonal employee for part of a season, contained in § 92.15(a)(3) of the proposed rule, should be included in this section.

The Department acknowledges the comment concerning the definition of short-term recall. Unfortunately, the commenters did not provide examples of substitute language. The Department believes that to further define this term would be too restrictive and would lack the desired flexibility. Therefore, the Department has rejected this comment. The Department agrees with the comment that a definition of "part of a season" should be included in § 92.15(a)(1). The Department has revised this section to include the provision previously contained in § 92.15(a)(3) of the proposed rule whereby a seasonal employee, who is recalled to his/her original employer, should be considered to be recalled for part of a season if the length of

employment is less than 50 percent of the seasonal worker's average season, as computed for REPP benefits.

The figure of 50 percent of the worker's average season represents a reasonable criterion for measuring the relationship of the Park expansion on the individual's future employment prospects. It is felt that employment lasting longer than 50 percent of the worker's average season may be adversely affected due to the Park expansion. However, as the length of employment approaches the worker's average season, other factors, such as adverse weather and general economic conditions, begin to play a more important role.

What is a Staggered Work Schedule?

Section 92.15(a)(2) of the proposed rule provided that a worker assigned to a staggered work schedule prior to September 30, 1980, who continues to work such schedule shall remain eligible for REPP benefits. Some commenters indicated a need for a definition of a staggered work schedule. The Department partially agrees with the commenters that examples of the types of work schedules which would or would not be qualifying under this section seem appropriate.

Unfortunately, it is difficult to perceive the full range of creative worksharing arrangements that employers may consider to maintain their workforce, therefore, to prescribe specific time limits is impossible. The Department, through this provision, seeks to recognize employer arrangements which attempt to spread a reduced amount of work among all employees to prevent total layoffs.

Section 92.15(a)(2) has been revised to include an example of an acceptable staggered work schedule as a week of work and a week of layoff, or any reasonable extension of such a principle. The 28 day work cycle, whereby the employee averages 40 hours per week, is a type of schedule which is not qualifying.

One commenter questioned whether a staggered work schedule, interrupted by a nonqualifying layoff precludes continued eligibility. Where the cause for a week of unemployment would be nonqualifying (such as a maintenance shutdown) under § 92.15(b), reestablished eligibility would be permitted if the worker returned to the affected employer on the same or a similar staggered work schedule immediately after the temporary interruption.

What is Part of a Season?

Section 92.15(a)(3) of the proposed rule provided eligibility for REPP benefits to a seasonal worker who is recalled for "part of a season."

Several commenters indicated a need for a definition of "part of a season." One commenter recommended the inclusion of this provision in § 92.15(a)(1). By combining the two provisions, the commenter noted that the new § 92.15(a)(1) would address the short-term recall of either a full-time or seasonal employee.

These recommendations were accepted and § 92.15(a)(1) has been revised to include the provision contained in § 92.15(a)(3) of the proposed rule. Additionally, a definition of "part of a season" has been provided.

Who Should Determine Other Causes Related to the Park Expansion?

Sections 92.15(a)(4) of the proposed rule provided that a covered employee laid off by an affected employer under any other circumstances found to be related to the Park expansion would be eligible for REPP benefits. Section 92.15(a)(5) of the proposed rule expressed the Secretary's final authority in these determinations.

Several commenters pointed out the difficulty in making determinations of this nature due to many factors contributing to the depression of the local economy and felt a definition was necessary. One commenter felt that this provision gave employers the arbitrary power to punish or reward discharged employees simply through labels (Park related or other reasons or firing). Several other commenters felt that if the circumstances contained in 92.15(a)(1) and (2) of this final rule were not evident, it was the responsibility of the Secretary to determine the relationship of the Park expansion to the layoff. Additionally, if this responsibility were to be assigned to the California Employment Development Department (EDD) one commenter stated that the EDD should be assigned sole responsibility in making the decision as to whether or not a layoff was due to other circumstances related to the Park expansion. Another commenter pointed out that these two sections were redundant.

The Department recognizes the difficulty in determinations of this nature, however, it seems impossible to enumerate each and every circumstance which may be related to the Park expansion. This determination will require a judgment to be made on the facts of each particular case. The California EDD was assigned

responsibility for issuing initial determinations regarding eligibility for REPP benefits and the Department sees no reason to make REPP eligibility determinations under this section an exception.

Further, the Department feels that to assign the California EDD sole responsibility for these determinations would only abrogate the appeal rights of employees. Likewise, to escalate the initial determination to the Secretary would deprive the workers of due process and would result in a final determination requiring the worker to seek judicial review for relief from an adverse initial determination. The administrative appeals procedure permits all parties an equal opportunity to present any evidence that the layoff was or was not related to the Park expansion. Finally, the Department accepts the comment that these items were redundant and has eliminated the role of the Secretary, as all initial determinations issued by the California EDD are subject to the appeals procedure which includes an employee's appeal to the Department of Labor, as the final level in the administrative review process.

Section 92.15(a)(4) of the proposed rule has been renumbered and is § 92.15(a)(3) in this final rule. Section 92.15(a)(5) of the proposed rule has been deleted for the reasons stated above.

Nonqualifying Separations

Section 92.15(b)(1) of the proposed rule enumerated the circumstances which are considered to be not related to the Park expansion and, therefore, not qualifying for the purposes of establishing REPP eligibility. One commenter suggested including market conditions and interest rates as additional causes. The Department has attempted to list those circumstances which are clearly not related to the Park expansion. The two causes suggested may certainly be considerations along with many other factors in any determinations under § 92.15(b)(2), but, would not be appropriately listed with those circumstances which are clearly not related to the Park expansion.

Who Should Determine Other Causes Not Related to the Park Expansion?

Section 92.15(b)(2) of the proposed rule provided for a determination of ineligibility for REPP benefits based on a layoff found to be not related to the Park expansion. Several commenters indicated a need for a definition of circumstances not related to the Park expansion. Another commenter suggested that this section should be

modified to require the Secretary to make such an initial determination.

The Department feels it would be equally difficult to enumerate those circumstances which would not be related to the Park expansion as defining what is related to the Park expansion. Additionally, the Department feels it would be inappropriate for the Secretary to issue initial determinations in this instance for the reasons stated in our comments above.

Redeterminations After the Effective Date

Section 92.15(c) of the proposed rule provided for a redetermination of a claim for REPP benefits based on a layoff occurring after September 30, 1980, after the effective date of this final rule. Only claims based on layoffs found to be qualifying under § 92.15(a) shall continue to be compensable.

In review of this rule the Department has discovered that a sentence was inadvertently omitted from the printed proposed rule. The omitted sentence establishes the fact that any worker who has remained on a layoff that occurred between May 31, 1977 and September 30, 1980 has continuing eligibility for REPP benefits. This sentence has been inserted as the first sentence of this section.

Several commenters stated that the redetermination of claims, upon the effective date of this section, clearly violates sections 205 and 206 of the Act. Another commenter indicated that these redeterminations will only result in another round of expensive, never-ending appeals.

The Department has determined that the redetermination of claims upon the effective date of this final rule is necessary and appropriate. It would be inequitable to apply the criteria in § 92.15 (a) and (b) only to layoffs occurring after the effective date, as disparate treatment of two workers laid off for the same reasons would result due to the absence of guidance during this interim period. The Department would note that the redetermination would only affect continued eligibility for REPP benefits.

Classification

This rule is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on

competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, no regulatory impact analysis is required.

Effective Date

This rule shall be effective June 19, 1981 instead of thirty days thereafter. I specifically find good cause for this action which will permit the implementation of the regulations without further delay. This amendment is a legal interpretation of the statute and to further delay implementing the rule would not be in the public interest because it would result in additional costs in the administration of the program.

Regulatory Flexibility Act Certification

I, Raymond J. Donovan, Secretary of Labor, hereby certify, pursuant to 5 U.S.C. 605(b), that the final regulation published hereinafter (29 CFR Part 92), Final Amendments to the Redwood Employee Protection Program Regulations, will not, if promulgated, have a significant economic impact on a substantial number of small entities. The reason for such certification is that this is an individual entitlement program and will only affect individuals applying for benefits under the Redwood Employee Protection Program. Thus, this amendment to the final regulation will not have a significant economic impact on any small entities.

Dated: June 7, 1981.

Raymond J. Donovan,
Secretary of Labor.

Accordingly, 29 CFR Part 92 is amended as set forth below:

1. The authority citation for Part 92 reads as follows: Authority: Section 202

and 213(d)(2), Pub. L. 95-250, dated March 27, 1978.

2. Section 92.11(a) is revised to read as follows:

§ 92.11 When to apply.

(a) Filing After Layoff. An initial application for REPP benefits by a covered employee may be filed with respect to a total or partial layoff by an affected employer which occurred on or after May 31, 1977 but before September 30, 1980 or as provided in § 92.15 of this Part.

3. A new § 92.15 is added to read as follows:

§ 92.15 Layoffs after September 30, 1980.

(a) Qualifying Layoffs. A covered employee laid off between October 1, 1980 and September 30, 1984 shall be deemed to be an affected employee if such layoff occurred under one of the following circumstances:

(1) The covered employee suffered a qualifying layoff from an affected employer and the employee returned to work for a known short-term recall from that employer or the length of employment is less than 50% of a seasonal worker's average season (as computed for REPP benefits) and the employee is again laid off; or

(2) The covered employee works for an affected employer on a staggered work schedule, designed to spread available work among employees to prevent total layoffs, during the period beginning May 31, 1977 and ending September 30, 1980 and has continued to work on such schedule beyond September 30, 1980. (An example of a staggered work schedule which is qualifying for this purpose is a week of work and a week of layoff or any reasonable extension of the principle. An example of a staggered work

schedule which is not qualifying for this purpose is the 28 day work cycle as the employees average 40 hours per week.); or

(3) The covered employee was laid off by an affected employer under circumstances related to the Park expansion.

(b) Nonqualifying Layoffs. After the effective date of this section any covered employee laid off between October 1, 1980 and September 30, 1984 shall not be deemed an affected employee if such layoff occurred under one of the following circumstances:

(1) A strike, lockout, maintenance shutdown, vacation shutdown, flood, earthquake, fire, or temporary adverse weather condition; or

(2) Any other reason unrelated to the Park expansion.

(c) Eligibility Review After the Effective Date of This Section. Any covered employee who has remained on a layoff that occurred between May 31, 1977 and September 30, 1980, will continue to be qualified for REPP benefits as a result of that layoff.

Notwithstanding § 92.50 of this Part, after the effective date of this section, an affected employee receiving REPP benefits based on a layoff occurring after September 30, 1980 shall have the circumstances of that layoff redetermined on the basis of the above criteria. Only those employees whose layoffs are found to be qualifying, upon redetermination, shall continue to receive REPP benefits.

Signed at Washington, D.C., on June 17, 1981.

Raymond J. Donovan,
Secretary of Labor.

[FR Doc. 81-18370 Filed 6-18-81; 8:45 am]

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Federal Register

Friday
June 19, 1981

Part V

Department of Health and Human Services

Office of Child Support Enforcement

Child Support Enforcement Research— Demonstration Grants; Notice of Availability of FY '81 Funds

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Child Support Enforcement

Child Support Enforcement Research Demonstration Grants; Notice of Availability of FY '81 Funds

The Director of the Office of Child Support Enforcement gives notice of the availability of fiscal year 1981 funds for child support enforcement research and demonstration (R&D) grants. Also, this provides advance notice of child support enforcement priority research and demonstration projects proposed for funding in Fiscal Year 1982. Funding for grants is authorized under Section 1110 of the Social Security Act.

Closing dates and times for submission requests for grants are presented in a separate section at the end of this notice.

Program Purpose

Grants funded by OCSE are for research or demonstration projects which will add to existing knowledge and improvements of new methods and techniques for the planning, management, coordination and delivery child support enforcement activities related to the eligible population.

Program Goals

In general, the Office of Child Support Enforcement (OCSE) intends to support the following types of projects:

- (1) Those which develop and demonstrate new financing mechanisms, administrative procedures, and technological innovations for improving the effectiveness and efficiency of child support enforcement programs at the State and local levels.
- (2) Those which develop more knowledge on the characteristics and financial needs of a target group.
- (3) Those which develop and implement analytical models for comparing the relative merits of alternative methods for carrying out the child support enforcement programs.

Program Priorities for Research and Demonstration Funding

Research and demonstration projects will be directed toward priorities derived from State administration and program issues. OCSE has identified certain specific priority projects which reflect these administrative and program issues, and which are described in more detail in the Application Kit.

Applicants may also submit proposals for projects not specifically identified in this announcement but which are relevant to the SSA and OCSE program goals. These proposals will be

designated as nonpriority but will also be subject to the panel review process. A limited number of projects may be approved pending available funds and will compete with other nonpriority projects.

Priority Projects

Fiscal Year 1981 Projects

Identification of Information and Methods to Enable the Establishment of Uniform Support Obligations—OCSE-81-1

States are required by Title IV-D of the Social Security Act to establish and to enforce child support obligations of absent parents of recipients of Aid to Families with Dependent Children (AFDC) and non-AFDC recipients. The amounts of the obligation that are being established, however, vary widely not only from jurisdiction to jurisdiction, but also within jurisdictions. Even when comparing cases with similar circumstances, these variations persist.

The purpose of this project is to identify and demonstrate the most effective and efficient method for States to obtain and verify information needed for the use in a standard formula for establishing child support obligation amounts, and to arrive at a recommendation for alternative obligation amounts for the consideration of judiciary or administrative hearings officers.

The first year of this project will be to develop in one or more local child support enforcement agencies alternative methods for identifying, obtaining and verifying the required financial and case characteristics information. It will also develop best methods for using this information to recommend and establish obligation orders. Several methods must be compared with well defined criteria for measuring the effectiveness of information collection and the cost of each method. The study should compare optional methods within one or more jurisdictions. Rigorous research and statistical methods must be used to segregate and compare cases that are processed by the various methods. Prestudy planning must include a site selection process that insures a sufficient variation in methods to be observed.

The second year of the project will involve a demonstration of the method(s) identified as being the most effective and efficient for identifying, obtaining, and verifying the necessary information and presenting recommendations to arrive at an obligation amount or alternative amounts. This project should also be

evaluated by an independent party to determine the effectiveness, desirability, cost and benefit, and ultimate success of various methods demonstrated. The successful methods will then be put into handbook format so that other jurisdictions can use the results.

It is anticipated that SSA will fund one grant for this project for 2 years. It is anticipated that up to \$125,000 in Federal funds will be made available in both FY '81 and FY '82 to do this project.

Demonstration of Administrative Improvements in Child Support Enforcement—OCSE-81-2

The Child Support Enforcement program (Title IV-D of the Social Security Act) is a recently established program. There is considerable emphasis on enlarging the support payments and support obligations of AFDC absent fathers and non-AFDC absent fathers of low income families. Since this is a relatively new program, States have been requesting aid in trying out new pilot projects to improve administration techniques which will aid in improving the program.

This is a series of projects to allow States or localities to try out and test new administrative operational and management concepts that will increase collections and/or contain costs. Such projects can address any of the major Title IV-D functional areas. It is anticipated that eight projects will be funded for this priority up to \$25,000 per project for one year.

Analysis of Child Support Data—OCSE-81-3

This study will examine factors affecting the receipt of child support payments from absent parents. Several data sources are available to study this issue. National data on the status and extent of child support obligations and receipt by AFDC and other mothers were obtained by the Bureau of Census in a supplement to the April 1979 Current Population Survey (CPS) and can be linked to income data which were collected for the March 1979 CPS. Also, The Social Security Administration, Office of Research and Statistics, coordinated an AFDC case record check by local AFDC caseworkers. This study, the 1979 AFDC Recipient Characteristics Study, has recently been released. Data tapes of these surveys are to be analyzed separately and not merged. The CPS surveys and the 1979 AFDC Survey will be used to examine the patterns of child support receipt in terms of demographic, economic and legal status of recipients.

The results of this research will assist the States' administrators in approving program effectiveness, forecasting, and targeting administrative efforts.

It is anticipated that SSA will fund one grant for this project for one year. It is anticipated that up to \$80,000 will be made available in FY '81.

State Study of Absent Parent's Ability to Pay Child Support—OCSE-81-4

The Child Support Enforcement program is designed to collect support payments from absent parents. At present, the collection process collects only a fraction of potential payments. For example, 1977 figures suggest that over half of the non-custodial parents with a support order did not contribute support, and that only about one fourth of all AFDC cases had a court order or agreement.

One of the important questions involving child support enforcement is whether the absent parent has the ability to pay. This project looks at the issue, focusing on AFDC cases handled by the IV-D agency. It will determine income levels, the number of dependents, and other readily available data concerning the absent parent. It will also compare the ability to pay of absent parents who regularly contribute support to the ability of those who pay sporadically or not at all. In addition, in at least one site, it will look at the availability of other income in the form of State income tax refunds. Controls for the nature of the support order will be used as well.

This project can be conducted in at least two manners. It is possible for the State IV-D agency to use the Internal Revenue's Project 419 in order to obtain information on income levels and dependents. Alternately, States may use their own completed income tax forms. In either case, income levels and dependents can be matched with the same variables in the case records and the extent to which data concerning income can be found will be recorded. At least one State should use the Federal (419) method for obtaining information.

It is anticipated that SSA will fund three grants to States for this project. It is anticipated that up to \$50,000 per State will be made available in FY '81.

FY '82 Projects

The following project is anticipated to be a research priority for FY '82. The amount of funds in support of this project is contingent upon the availability of FY '82 appropriations. However, based on the proposed FY '82 budget it is anticipated that there will be

sufficient funds to finance the project below.

Survey of Non-AFDC Cases Which Receive Child Support Enforcement Services—OCSE-82-1

Child Support Enforcement agencies are reimbursed for enforcement activities on behalf of non-AFDC as well as AFDC recipients. This project involves the study of a stratified sample of closed, new, and continuing non-AFDC Child Support Enforcement program clients involving the demographic, economic, and sociological characteristics of the population. One aspect of this study will be to indicate the extent to which program coverage of this population avoids welfare eligibility.

It is anticipated that the agency will fund one grant for this project for one year. It is anticipated that up to \$400,000 in Federal funds will be made available in FY '82.

Eligible Applicants

Section 1110 Grants. Any State, public, or nonprofit organization or agency may apply for a grant under the Section 1110 authority.

Availability of Funds

It is anticipated that approximately 13 new grant awards will be made pursuant to this announcement in FY '81. Anticipated amounts are:

FY '81 Projects

OCSE-81-1 (Identification of Information and Methods to Enable the Establishment of Uniform Support Obligations). It is anticipated that a total of up to \$125,000 will be available for this grant for one project.

OCSE-81-2 (Demonstration of Administrative Improvements in Child Support Enforcement). It is anticipated that eight grants will be awarded at up to \$25,000 per project.

OCSE-81-3 (Analysis of Child Support Data). It is anticipated that one grant of up to \$80,000 will be awarded.

OCSE-81-4 (State Study of Absent Parent's Ability to Pay Child Support). It is anticipated that three grants of up to \$50,000 each will be awarded.

FY '82 Projects (Funds not yet appropriated)

It is anticipated that this project will be funded in FY '82.

OCSE-82-1 (Survey of Non-AFDC Cases Which Receive Child Support Enforcement Services). It is anticipated that one grant of up to \$400,000 will be awarded.

Recipient Share of the Project Costs

Applicants for grants are expected to contribute some portion of the total cost of the activity in order to receive consideration for funding. Generally 5 percent is considered acceptable. No grant will be awarded which will cover 100 percent of project costs.

The Application Process

1. *Availability of application forms.* Application Kits which contain the prescribed application forms and supplemental descriptive information on the priority projects of the Office of Child Support Enforcement are available from: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants Management Branch, Room 1206, Annex, 6401 Security Boulevard, Baltimore, Maryland 21235, Telephone: (301) 594-0284, Lawrence H. Pullen, Chief, Grants Management Branch.

2. *Application submission.* To be considered for a grant award, all applications must be submitted on standard forms provided by the Division of Contracts and Grants Management. The application shall be executed by an individual authorized to act for the applicant agency or organization and to assume for the agency or organization the obligations imposed by the terms and conditions of the grant.

As part of the project title (page 1 of the application Form SSA-96, item 7) the applicant must clearly indicate whether the application submitted is in response to a priority project identified in this announcement and must reference the unique project identifier (OCSE-81-1, etc.) for which the application is to compete.

3. *Application consideration.* Applications are initially screened for relevance to the interests of OCSE. Irrelevant applications are returned to the applicant. Relevant applications are reviewed and evaluated by a review panel of not less than three experts. Written assessment of each application is made.

4. *Application approval.* Following approval of the applications selected for funding, financial assistance awards will be issued within limits of Federal funds available. The FY '81 grant awards will be issued in September 1981. The official award document is the Notice of Grant Award. It provides the amount of funds awarded, the purpose of the award, the terms and conditions of the award, the budget period for which support is given, the total project period for which support is

contemplated, and the total grantee participation.

Criteria for Review and Evaluation of Applications

Competing applications will be reviewed and evaluated against the following criteria.

1. *Research or Demonstration Design.* Understanding the scope of the work statement and the proposed technical approach to the requirement. This includes clarity of goals and objectives. (30 points)

2. *Knowledge.* Knowledge of the field, literature, and background presentation material. Assurance of timely and acceptable performance. (10 points)

3. *Reasonableness.* Reasonableness of the proposal. Does it make sense? Can it be done? Is the man-hour effort and propriety of types of manpower reasonable? (15 points)

4. *Experience.* Prior experience and/or new approaches or ideas in the branch of the technology or field involved. (10 points)

5. *Relevance.* Relevance of proposal to HHS priorities and goals; to OCSE Work Plan; and to grants advertised in the Federal Register. (25 points)

6. *Personnel, Budget, and Facilities.* Availability and competence of specific kinds and numbers of experienced personnel. (5 points)

Specificity and adequacy of the budget. Are costs reasonable considering the anticipated results?

Availability of necessary facilities, equipment, convenient location, etc.

7. *Utilization.* Provision of progress and final reports. Quality of evaluation effort. Probability of implementation possibilities (National, State, etc.) (5 points)

Closing Dates and Times

For fiscal year 1981 projects, the closing date will be Friday, July 31, 1981. For fiscal year 1982 projects the closing date will be Tuesday, December 1, 1981.

Applications may be mailed or hand delivered to: Social Security Administration, Division of Contracts and Grants Management, OMBP, Grants

Management Branch, Room 1206, Annex, 6401 Security Boulevard, Baltimore, Maryland 21235.

Applications must be received by the Division of Contracts and Grants Management, Grants Management Branch, by the above closing date. Hand delivered applications are accepted during normal working hours of 8:30 a.m. to 5:00 p.m., Monday through Friday.

An application will be considered to be received, on time, if the application is sent by registered or certified mail not later than the closing date, as evidenced by the U.S. Postal Service stamp.

A-95 Notification Process. This program is not covered by the requirements of OMB Circular A-95.

(Catalog of Federal Domestic Assistance Program No. 13.812—Assistance Payments—Research)

Dated: June 12, 1981.

John A. Svahn,
Director, Office of Child Support Enforcement.

[FR Doc. 81-18418 Filed 6-18-81; 8:45 am]

BILLING CODE 4110-07-M

Federal Register

Friday
June 19, 1981

Part VI

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms
Distilled Spirits Plants; Authorization of
Use of 100 Milliliter Distilled Spirits
Container

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 19

[T.D. ATF-86]

Distilled Spirits Plants; Authorization of Use of 100 Milliliter Distilled Spirits Container

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.**ACTION:** Temporary rule, Treasury decision.

SUMMARY: This temporary rule amends regulations in 27 CFR Part 19 authorizing permissible sizes of containers used for bottling distilled spirits at distilled spirits plants. Under this amendment, a 100 milliliter (3.4 fluid ounce) container is authorized as a replacement for the 4 fluid ounce container for bottling distilled spirits. Since this rule does not amend 27 CFR Part 5, the 100 ml may not be sold or shipped in interstate commerce. This amendment is necessary to enable small distilled spirits plants which rely heavily on bottling the 4 ounce container to remain in business. ATF will issue a final regulation regarding the 100 ml after careful consideration of comments received on this temporary rule.

DATES: The effective date of this temporary rule is June 19, 1981.

Written comments to this temporary rule must be received by September 17, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, Attention: T.D. ATF-86.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226, Telephone: 202-566-7626.

SUPPLEMENTARY INFORMATION:**Background**

Both the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), and the Internal Revenue Code

(IRC) 26 U.S.C. 5301, give ATF the authority to regulate bottle sizes for distilled spirits. The FAA Act governs bottle sizes which may be shipped and sold in interstate commerce, and the standards of fill found in 27 CFR Part 5 are designed to prevent unfair competition and deception of the consumer. The IRC governs bottle sizes which may be removed from distilled spirits plants, and the sizes authorized in 27 CFR Part 19 (formerly Part 201) are designed to protect the revenue.

Traditionally, ATF has adopted the standards of fill used in interstate commerce as sizes which may be filled and removed from distilled spirits plants, for sizes larger than 1/2 pint. Prior to 1968, any size smaller than 1/2 pint could be used at a distilled spirits plant, but these sizes could not be shipped in interstate commerce unless they also complied with the standards of fill in Part 5 (such as 1/8, 1/16, 1/32 pint). In 1968, ATF issued regulations under the IRC which adopted the sizes authorized as standards of fill in Part 5 as sizes which could be removed from distilled spirits plants. These regulations revoked the former exception allowing use of any size smaller than 1/2 pint, but permitted a single exception of 1/4 pint (4 fluid ounces). Because this size was not authorized by Part 5, it could not be sold or shipped in interstate commerce.

With the adoption of metric standards of fill in 1976 (T.D. AFT-25, March 10, 1976, 41 FR 11497), Part 5 was amended to allow only six metric sizes for use in interstate commerce. These metric standards of fill became effective on January 1, 1980.

ATF proposed elimination of the intrastate exemption for the 4 ounce size as part of a notice proposing conforming metric changes in distilled spirits plant regulations in Part 201. The notice stated elimination of the 4 ounce would reduce the number of bottle sizes and simplify the production and inventorying of distilled spirits. The proposal drew only two comments, both favorable, and the exemption for the 4 ounce size was deleted effective January 1, 1980 [T.D. ATF-34, October 26, 1976, 41 FR 46859].

Petition

ATF has recently received a petition

from the Overbrook Egg Nog Corporation, a distilled spirits bottler located within the State of Maryland, to authorize the use of a 100 ml bottle for bottling distilled spirits. Overbrook states that the 100 ml would replace the 4 fluid ounce size formerly authorized under Part 201. The petitioner also states that there is a great demand for the 4 ounce size with 7.6 million units having been sold in fiscal year 1979 in Maryland, and 7.2 million in fiscal year 1980. Moreover, the petitioner indicates that the size fills a large gap existing between the 200 ml and the 50 ml standards of fill. Additionally, this small size enables the production of an economically priced package within reach of a large number of consumers. The petitioner notes that bottling in a 4 ounce size has been permitted by Federal regulations since 1934, and that their company has produced this size for sale within Maryland since 1950. They state that their business is highly dependent upon production of this size, and the authorization of a 4 ounce container, or a suitable metric replacement such as 100 ml, is necessary for them to remain in business. They contend that enforcement of current 27 CFR 19.632 (formerly 27 CFR 201.540b) would force them out of business since it does not provide for production of a 4 ounce or a 100 ml bottle size for domestic use.

Authorization of the 100 Milliliter

ATF believes that in order to adequately protect the revenue it is necessary to limit the number of bottle sizes to a relatively few distinguishable sizes. Since the tax is determined on distilled spirits after bottling and at the time of removal from distilled spirits plants, this will protect against errors in determining the tax. However, because of the importance of a 100 ml bottle to the State of Maryland, and distilled spirits plants in that state, ATF believes that the 100 ml size may be authorized without adversely affecting our responsibility to protect the revenue. The 100 ml is an even metric size which is easily distinguishable from surrounding sizes of 50 ml and 200 ml. This size has gained widespread

acceptance among consumers in markets where it is available. ATF is therefore, amending Part 19 to allow bottling of 100 ml containers at distilled spirits plants. However, ATF is not amending Part 5, and these 100 ml containers are not authorized for sale or shipment of distilled spirits in interstate commerce. ATF intends to issue a notice of proposed rulemaking examining whether the 100 ml should be authorized as a standard of fill in Part 5 for use in interstate commerce.

Public Participation

Comments on this temporary rule should address the authorization of the 100 ml as a permanent size. ATF notes that the 100 ml, if authorized, would be $\frac{1}{10}$ of an ounce or 15% smaller than the 4 ounce size it would replace. Because of this size difference, ATF also seeks comments on whether another size, such as 125 ml should instead be authorized. On the basis of all public comments to this temporary rule, ATF may issue a final rule authorizing permanent use of the 100 ml size.

All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material and comments as confidential. Comments may be disclosed to the public. Any material which the respondent considers to be confidential or inappropriate for disclosure to the

public should not be included in the comment. The name of any person submitting comments is not exempt from disclosure.

Written comments are available for inspection or copying during normal business hours at: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Compliance with Executive Order 12291

This temporary rule is not classified as a "major rule" under Executive Order 12291. This rule will not result in an annual effect on the economy of 100 million dollars or more; will not result in a major increased cost to consumers, industries or governments; and will not create a significant adverse effect on competition.

Drafting Information

The principal author of this temporary rule is Charles N. Bacon, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Effective Date

Because compliance with existing regulatory provisions with regard to bottle sizes would immediately cause the termination of a small business entity resulting in irreparable economic harm, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation in 5 U.S.C. 553(d). Therefore,

this Treasury decision is effective on its date of publication in the **Federal Register**.

Authority and Issuance

This regulation is issued under the authority of 26 U.S.C. 7805 (68A Stat. 917, as amended).

Accordingly, 27 CFR 19.632 is revised to read as follows:

§ 19.632 Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of Part 5 of this chapter, including those for liquor bottles of less than 200 ml capacity. The use of any bottle size other than as authorized in Subpart E of Part 5 of this chapter is prohibited for the packaging of distilled spirits for domestic purposes, except that 100 ml bottles may be used for packaging distilled spirits for sale in intrastate commerce only. Bottles bearing the indicia required under Part 173 of this chapter may be used, but need not be used, in bottling spirits for export.

(Sec. 201, Pub. L. 85-859, 72 Stat. 1374, as amended (26 U.S.C. 5301))

Signed: June 16, 1981.

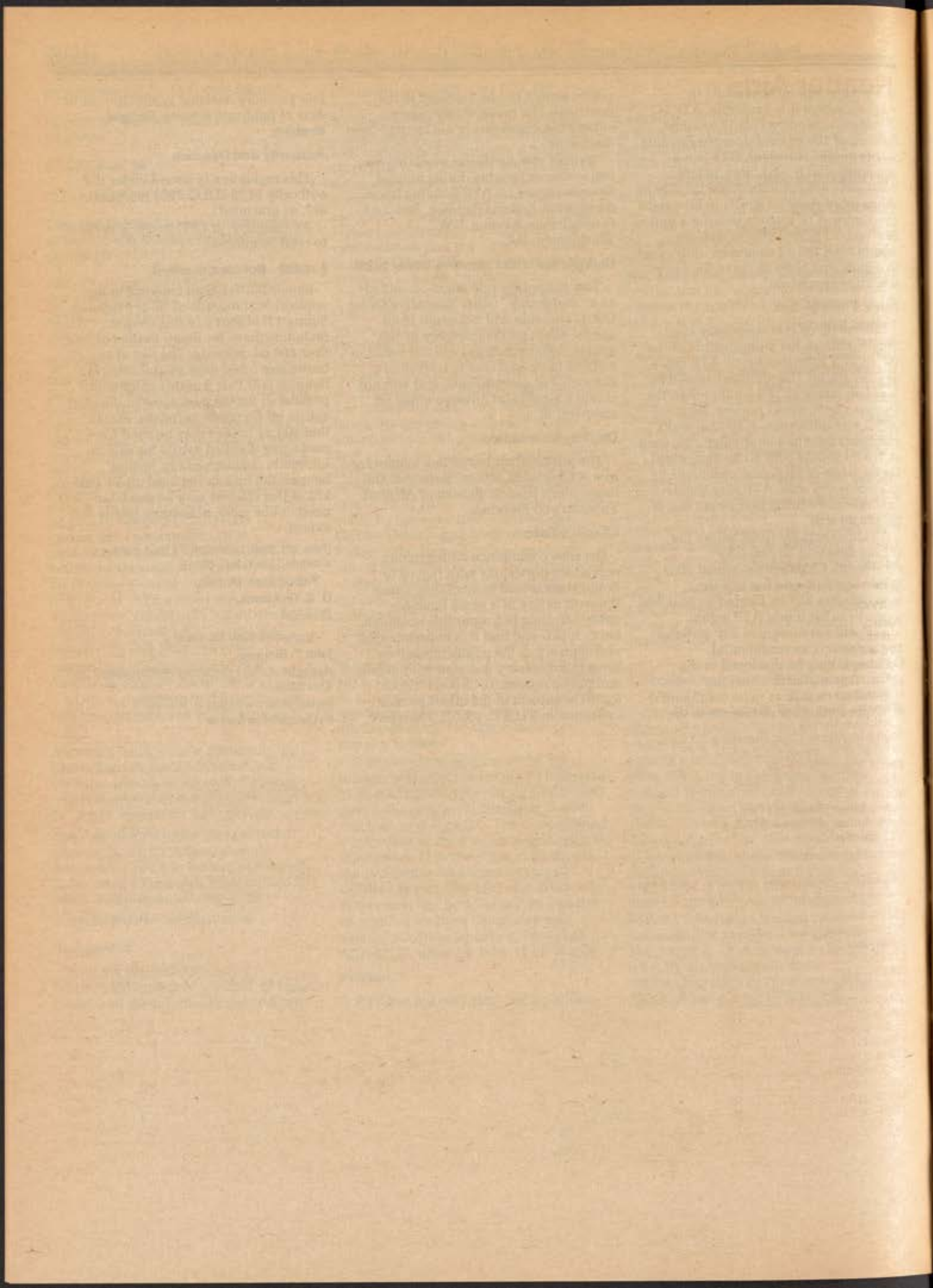
G. R. Dickerson,
Director.

Approved: June 16, 1981.

John P. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-18427 Filed 6-18-81; 10:15 am]

BILLING CODE 4810-31-M



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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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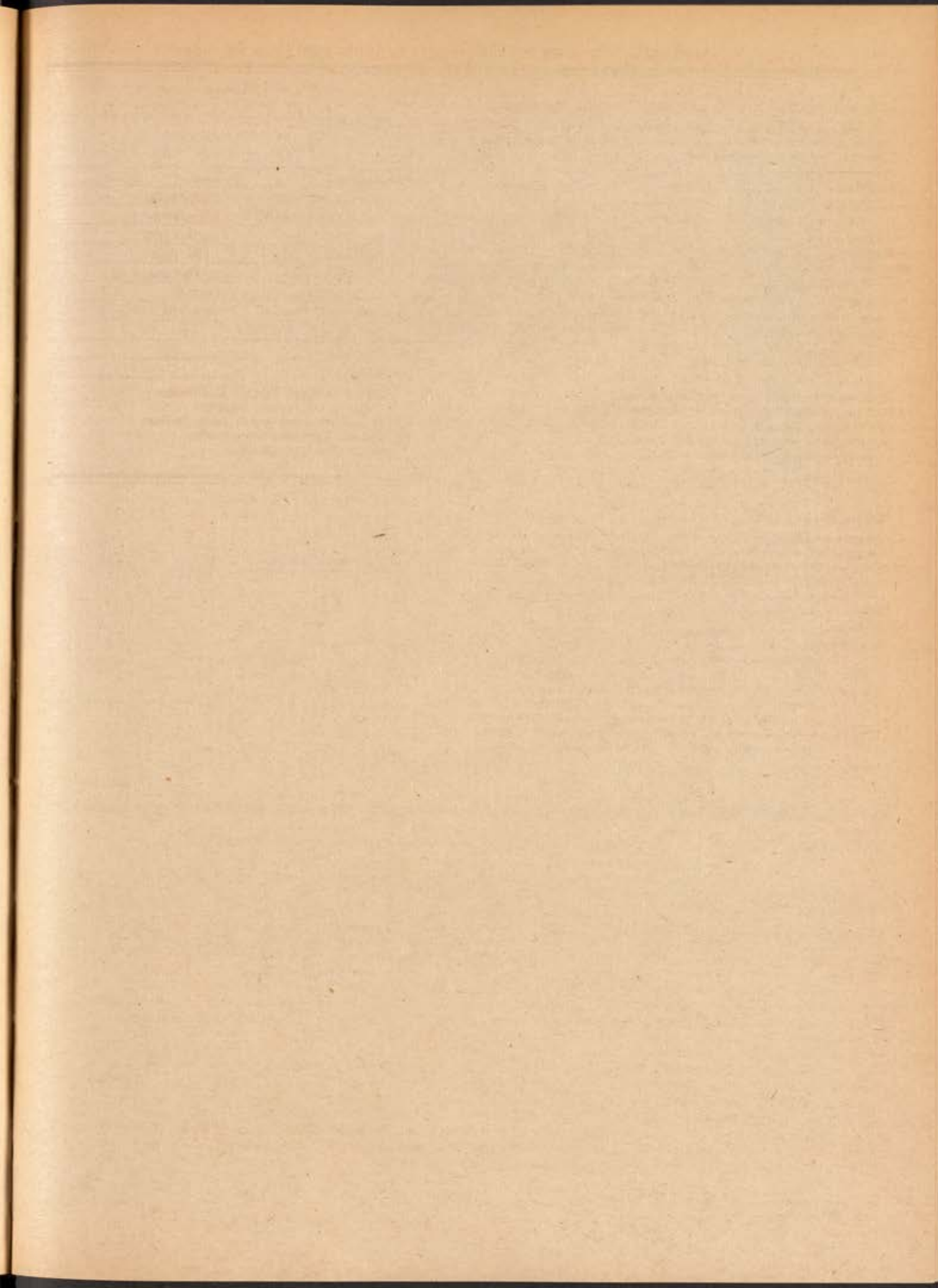
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S. 1070 / Pub. L. 97-14 Youth Employment Demonstration Amendments of 1981 (June 16, 1981; 95 Stat. 98) Price: \$1.50.

H.R. 2156 / Pub. L. 97-15 To amend title 38, United States Code, to extend by twelve months the period during which funds appropriated for grants by the Veterans Administration for the establishment and support of new State medical schools may be expended (June 17, 1981; 95 Stat. 99) Price: \$1.50.



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